

SECOND REGULAR SESSION

# HOUSE BILL NO. 1399

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), BRUNS,  
MEADOWS AND VOGT (Co-sponsors).

Pre-filed December 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3194L.01I

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### AN ACT

To repeal section 287.067, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 287.067, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.067, to read as follows:

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           3. An injury due to repetitive motion is recognized as an occupational disease for  
16 purposes of this chapter. An occupational disease due to repetitive motion is compensable only  
17 if the occupational exposure was the prevailing factor in causing both the resulting medical  
18 condition and disability. The "prevailing factor" is defined to be the primary factor, in relation  
19 to any other factor, causing both the resulting medical condition and disability. Ordinary,  
20 gradual deterioration, or progressive degeneration of the body caused by aging or by the normal  
21 activities of day-to-day living shall not be compensable.

22           4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for  
23 purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to  
24 prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of  
25 producing occupational deafness.

26           5. "Radiation disability" is recognized as an occupational disease for purposes of this  
27 chapter and is hereby defined to be that disability due to radioactive properties or substances or  
28 to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the  
29 use of or direct contact with radium or radioactive properties or substances or the use of or direct  
30 exposure to Roentgen rays (X-rays) or ionizing radiation.

31           6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the  
32 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases  
33 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,  
34 carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police  
35 officers of a paid police department certified under chapter 590, RSMo, if a direct causal  
36 relationship is established, or psychological stress of firefighters of a paid fire department **or**  
37 **paid police officers of a paid police department certified under chapter 590, RSMo**, if a  
38 direct causal relationship is established.

39           7. Any employee who is exposed to and contracts any contagious or communicable  
40 disease arising out of and in the course of his or her employment shall be eligible for benefits  
41 under this chapter as an occupational disease.

42           8. With regard to occupational disease due to repetitive motion, if the exposure to the  
43 repetitive motion which is found to be the cause of the injury is for a period of less than three  
44 months and the evidence demonstrates that the exposure to the repetitive motion with the  
45 immediate prior employer was the prevailing factor in causing the injury, the prior employer  
46 shall be liable for such occupational disease.

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