

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 291, Page 22, Section 190.462, Line 44, by inserting after all of said section and line  
3 the following:  
4

5 "287.067. 1. (1) In this chapter the term "occupational disease" is hereby defined to mean,  
6 unless a different meaning is clearly indicated by the context, an identifiable disease arising with or  
7 without human fault out of and in the course of the employment. Ordinary diseases of life to which  
8 the general public is exposed outside of the employment shall not be compensable, except where the  
9 diseases follow as an incident of an occupational disease as defined in this section. The disease  
10 need not to have been foreseen or expected but after its contraction it must appear to have had its  
11 origin in a risk connected with the employment and to have flowed from that source as a rational  
12 consequence.

13 (2) For purposes of this section, the following terms mean:

14 (a) "Hazardous duty", the same meaning given to the term under 5 CFR 550.902, as  
15 amended;

16 (b) "Psychological stress" or "mental disorder", a condition, whether sudden or gradual in  
17 onset, that is diagnosed by a psychiatrist or psychologist and that requires medical services or results  
18 in physical or mental disability.

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

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

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

36 5. "Radiation disability" is recognized as an occupational disease for purposes of this

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chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. (1) Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, or inadequate oxygen, of paid or volunteer firefighters of a ~~paid~~ fire department or paid or volunteer police officers of a ~~paid~~ police department certified under chapter 590 if a direct causal relationship is established~~[, or]~~. Psychological stress and mental disorders may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to stressful events of paid or volunteer firefighters, paramedics, and emergency medical technicians of a ~~paid~~ fire department or fire district or ~~paid~~ peace officers of a police department who are certified under chapter 590 if ~~a direct causal relationship~~ the psychological stress or mental disorder is established as having arisen from exposure to the stressful event or events.

(2) (a) Notwithstanding the provisions of any other law, cancer contracted by a paid firefighter who has been assigned to at least five years of hazardous duty as a firefighter or cancer contracted by a volunteer firefighter who has been assigned to at least ten years of hazardous duty as a firefighter constitutes a presumption that the cancer meets the definition of occupational disease under subsection 1 of this section and is compensable under the requirements of subsections 1 and 2 of this section if the firefighter was exposed to an agent classified by the International Agency for Research on Cancer or its successor organization as a group 1 or 2A carcinogen.

(b) The presumption described in paragraph (a) of this subdivision is rebuttable in any of the following situations:

a. There is evidence that the firefighter's exposure, outside the scope of the firefighter's official duties, to cigarettes, tobacco products, or other conditions presenting an extremely high risk for the development of the cancer alleged, was probably a significant factor in the cause or progression of the cancer;

b. There is evidence that the firefighter was not exposed to an agent classified by the International Agency for Research on Cancer as a group 1 or 2A carcinogen;

c. There is evidence that the firefighter incurred the type of cancer alleged before becoming a member of the fire department; or

d. The firefighter is sixty-five years of age or older.

(c) The presumption described under paragraph (a) of this subdivision does not apply if it has been more than ten years since the firefighter was last assigned to hazardous duty as a firefighter or if the firefighter has retired from his or her employment as a firefighter.

(d) Compensation for cancer contracted by a firefighter in the course of hazardous duty under paragraph (a) of this subdivision is payable only in the event of temporary total disability, permanent total disability, or death, in accordance with sections 287.170, 287.200, and 287.230.

(e) This subdivision shall apply to paid and volunteer firefighters of all fire departments of all counties, cities, towns, fire districts, and other government units.

(f) This subdivision applies only to claims arising on or after August 28, 2019.

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

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate

1 prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for  
2 such occupational disease.

3 9. (1) Psychological stress or mental disorder of a paid, volunteer, or retired firefighter,  
4 paramedic, or emergency medical technician of a fire department or fire district or paid peace officer  
5 of a paid police department certified under chapter 590 shall be presumed as an occupational disease  
6 that was contracted in the course and scope of employment.

7 (2) A paid, volunteer, or retired firefighter, paramedic, or emergency medical technician of a  
8 fire department or fire district or paid peace officer of a paid police department certified under  
9 chapter 590 who is diagnosed with post-traumatic stress disorder, psychological stress, or mental  
10 disorder during employment or during volunteer service or within three years of the last active date  
11 of employment or volunteer service shall be eligible for compensation benefits as otherwise  
12 provided for in this chapter, with no showing regarding causality required.

13 10. The psychological stress or mental disorder presumption described in subdivision (1) of  
14 subsection 9 of this section shall be rebuttable if:

15 (1) There is evidence that the condition existed before the commencement of employment  
16 or volunteer service;

17 (2) The prevailing factor in causing the condition is a factor unrelated to the employment or  
18 volunteer service; or

19 (3) The prevailing factor in causing the condition is an exposure occurring outside the scope  
20 of employment or volunteer service."; and

21  
22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.