

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Bill No. 414, Page 1, Section A, Line 2, by inserting after all
2 of said section and line the following:

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4 "105.261. 1. For purposes of this section, the term "public employer" shall mean the state of
5 Missouri, or any office, agency, department, bureau, division, board, or commission of the state, or
6 any school district, political subdivision, or special district within the state.

7 2. Notwithstanding any provisions of law to the contrary, employees of a public employer
8 shall be allowed to donate their accrued sick leave to a shared pool which can be used by other
9 public employees in this state who are eligible for sick leave but who have exhausted their own
10 personal sick leave balances. The commissioner of administration shall design the shared pool
11 described in this subsection. The commissioner shall collaborate with the chief administrative
12 officers of all public employers to allow for the employees of such employers to donate to and draw
13 from the shared pool. No employee of a public employer shall be allowed to donate his or her
14 accrued sick leave to such a pool in any amount which would reduce such employee's own personal
15 sick leave balance below an amount equal to the greater of eighty hours or the standard number of
16 hours worked by such employee within a two-week period.

17 3. The commissioner of administration may promulgate rules as necessary to implement the
18 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
19 that is created under the authority delegated in this section shall become effective only if it complies
20 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
21 section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
22 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
24 adopted after August 28, 2019, shall be invalid and void.

25 105.263. 1. For purposes of this section, the term "public employee" shall mean any
26 employee of the state of Missouri, or of any office, agency, department, bureau, division, board, or
27 commission of the state, or of any school district, political subdivision, or special district within the
28 state.

29 2. Notwithstanding any provisions of law to the contrary, any public employee who has
30 exhausted all available leave granted under the provisions of the Family and Medical Leave Act of
31 1993, as amended, 29 U.S.C. Section 2601, et seq., in connection with a cancer diagnosis for such
32 employee's spouse or child shall be granted an extension of such leave for a period of up to one year.

33 3. No public employee shall be penalized for requesting or obtaining an extension of leave
34 under this section.

35 4. The commissioner of administration may promulgate rules as necessary to implement the
36 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,

Action Taken _____ Date _____

that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

287.067. 1. (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) For purposes of this section, the following terms mean:

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

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

2. An injury or death 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.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion 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.

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

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

1 due to exposure to stressful events of paid or volunteer firefighters, paramedics, and emergency
 2 medical technicians of a [paid] fire department or fire district or [paid] peace officers of a police
 3 department who are certified under chapter 590 if [a direct causal relationship] the psychological
 4 stress or mental disorder is established as having arisen from exposure to the stressful event or
 5 events.

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

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

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

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

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

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

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

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

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

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

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

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

41 9. (1) Psychological stress or mental disorder of a paid, volunteer, or retired firefighter,
 42 paramedic, or emergency medical technician of a fire department or fire district or paid peace officer
 43 of a paid police department certified under chapter 590 shall be presumed as an occupational disease
 44 that was contracted in the course and scope of employment.

45 (2) A paid, volunteer, or retired firefighter, paramedic, or emergency medical technician of a
 46 fire department or fire district or paid peace officer of a paid police department certified under
 47 chapter 590 who is diagnosed with post-traumatic stress disorder, psychological stress, or mental
 48 disorder during employment or during volunteer service or within three years of the last active date
 49 of employment or volunteer service shall be eligible for compensation benefits as otherwise

provided for in this chapter, with no showing regarding causality required.

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

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

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

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

"590.1200. 1. For purposes of this section, the following terms mean:

(1) "Live video broadcast", any video broadcast made during a tactical law enforcement operation, including time-delayed broadcasts;

(2) "Tactical law enforcement operation":

(a) A situation in which law enforcement officers are deployed by reason of a person holding one or more hostages;

(b) A situation in which law enforcement officers are deployed for the purpose of taking into custody an armed person who refuses to surrender to law enforcement; or

(c) Any other situation in which tactical law enforcement forces are deployed by reason of an emergency involving danger to the law enforcement officers or to the public.

2. Any law enforcement agency may declare that a tactical law enforcement operation is subject to the provisions of this section and may designate a boundary for the purpose of the prohibitions of this section. Any person who is aware that a law enforcement agency has made a declaration under this section shall not make live video broadcasts displaying events within the boundary established by the law enforcement agency.

3. Any person who knowingly violates the provisions of subsection 2 of this section is strictly liable for any injury, death, or other damage that may arise out of the violation, including any injury, death, or other damage that may arise out of the live video broadcasts of the tactical law enforcement operation.

4. Any person who complies with the requirements of subsection 2 of this section is immune from any civil liability for any injury, death, or other damage that may arise out of the live video broadcasts or other reporting that relates to the tactical law enforcement operation or the events surrounding the operation.

5. Penalties under this section may be imposed against the person making the live video broadcast and against any employee of a media outlet responsible for directing or authorizing the broadcast.

6. Any person who violates the provisions of subsection 2 of this section shall be subject to a civil penalty not to exceed ten thousand dollars."; and

Further amend said bill, Page 4, Section B, Lines 2 and 5, by inserting before each instance of the words "section A" the words "sections 376.1180 and 376.1182"; and

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