

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by
2 inserting after said section and line the following:

3
4 "287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean,
5 unless a different meaning is clearly indicated by the context, an identifiable disease arising with or
6 without human fault out of and in the course of the employment. Ordinary diseases of life to which
7 the general public is exposed outside of the employment shall not be compensable, except where the
8 diseases follow as an incident of an occupational disease as defined in this section. The disease
9 need not to have been foreseen or expected but after its contraction it must appear to have had its
10 origin in a risk connected with the employment and to have flowed from that source as a rational
11 consequence.

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

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

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

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

34 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the
35 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases
36 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,

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1 carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers
2 of a paid police department certified under chapter 590 if a direct causal relationship is established,
3 or psychological stress of firefighters of a paid fire department or paid peace officers of a police
4 department who are certified under chapter 590 if a direct causal relationship is established.

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

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

13 9. (1) (a) Posttraumatic stress disorder (PTSD), as described in the Diagnostic and
14 Statistical Manual of Mental Health Disorders, Fifth Edition, published by the American Psychiatric
15 Association, (DSM-5) is recognized as a compensable occupational disease for purposes of this
16 chapter when diagnosed in a first responder, as that term is defined under section 67.145.

17 (b) Benefits payable to a first responder under this section shall not require a physical injury
18 to the first responder, and are not subject to any preexisting PTSD.

19 (c) Benefits payable to a first responder under this section are compensable only if
20 demonstrated by clear and convincing evidence that PTSD has resulted from the course and scope of
21 employment, and the first responder is examined and diagnosed with PTSD by an authorized
22 treating physician, due to the first responder experiencing one of the following qualifying events:

23 a. Seeing for oneself a deceased minor;

24 b. Witnessing directly the death of a minor;

25 c. Witnessing directly the injury to a minor who subsequently died prior to or upon arrival at
26 a hospital emergency department, participating in the physical treatment of, or manually
27 transporting, an injured minor who subsequently died prior to or upon arrival at a hospital
28 emergency department;

29 d. Seeing for oneself a person who has suffered serious physical injury of a nature that
30 shocks the conscience;

31 e. Witnessing directly a death, including suicide, due to serious physical injury; or homicide,
32 including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;

33 f. Witnessing directly an injury that results in death, if the person suffered serious physical
34 injury that shocks the conscience;

35 g. Participating in the physical treatment of an injury, including attempted suicide, or
36 manually transporting an injured person who suffered serious physical injury, if the injured person
37 subsequently died prior to or upon arrival at a hospital emergency department; or,

38 h. Involvement in an event that caused or may have caused serious injury or harm to the first
39 responder or had the potential to cause the death of the first responder, whether accidental or by an
40 intentional act of another individual.

41 (2) The time for notice of injury or death in cases of compensable PTSD under this section
42 is measured from exposure to one of the qualifying stressors listed in the DSM-5 criteria, or the

1 diagnosis of the disorder, whichever is later. Any claim for compensation for such injury shall be
2 properly noticed within fifty-two weeks after the qualifying exposure, or the diagnosis of the
3 disorder, whichever is later."; and

4
5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.