

FIRST REGULAR SESSION

# HOUSE BILL NO. 466

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GREGORY.

1085H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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Section A. Section 287.067, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.067, to read as follows: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

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.

18 medical condition and disability. The "prevailing factor" is defined to be the primary factor,  
19 in relation to any other factor, causing both the resulting medical condition and disability.  
20 Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or  
21 by the normal 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  
23 for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears  
24 due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound  
25 capable of 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  
28 or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process  
29 involving the use of or direct contact with radium or radioactive properties or substances or  
30 the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

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

47 **9. (1) (a) Posttraumatic stress disorder (PTSD), as described in the Diagnostic**  
48 **and Statistical Manual of Mental Health Disorders, Fifth Edition (DSM-5), published by**  
49 **the American Psychiatric Association, is recognized as a compensable occupational**  
50 **disease for purposes of this chapter if diagnosed in a first responder, as that term is**  
51 **defined under section 67.145.**

52 **(b) Benefits payable to a first responder pursuant to this section shall not require**  
53 **a physical injury to the first responder and are not subject to any preexisting**  
54 **posttraumatic stress disorder.**

55           **(2) The time for notice of injury or death in cases of compensable posttraumatic**  
56 **stress disorder under this section is measured from exposure to one of the qualifying**  
57 **stressors listed in the DSM-5 criteria or the diagnosis of the disorder, whichever is later.**  
58 **Any claim for compensation for such injury shall be properly noticed to the division**  
59 **within fifty-two weeks after the exposure to one of the qualifying stressors, or the**  
60 **diagnosis of the disorder, whichever is later.**

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