



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 3072</b>		DATE: <b>3/4/2026</b>	
COMMITTEE: <b>Judiciary</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>3/6/2026 11:27 PM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

I am in Support of this Bill by allowing Attorney Changes and Agreements between the Legal Counsel and the Client.



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SARAH BERRY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/4/2026 8:18 AM</b>	

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

HB 3072 proposes significant changes to Missouri’s workers’ compensation framework governing permanent total disability and occupational diseases caused by toxic exposure, including mesothelioma.

The most consequential provision of the bill allows employers to elect to reject participation in the mesothelioma liability framework, in which case the exclusive remedy protections under §287.120, RSMo, would not apply. The exclusive remedy doctrine is the foundational principle of Missouri’s workers’ compensation system. In exchange for predictable liability and no-fault benefits for injured workers, employers receive immunity from civil lawsuits arising from workplace injuries.

HB 3072 partially dismantles that structure for a specific category of occupational disease. By allowing employers to opt out of the workers’ compensation framework for mesothelioma claims, the bill creates a dual liability system in which similarly situated workers may be forced into entirely different legal remedies depending solely on the employer’s election.

Under the structure proposed in HB 3072, one worker suffering from mesothelioma may be confined to the administrative workers’ compensation system, while another worker with the same disease may be forced into complex civil litigation simply because the employer rejected participation in the liability framework. This creates uncertainty, unequal treatment, and potential instability within a system that was designed to provide uniform and predictable remedies for workplace injuries.

Workers’ compensation statutes were created to balance employer liability protections with prompt and reliable compensation for injured workers. Allowing employers to selectively reject the exclusive remedy doctrine for a specific occupational disease risks undermining that balance and reintroducing the very litigation uncertainty the workers’ compensation system was designed to avoid.

Additionally, the bill maintains provisions under which permanent total disability benefits terminate upon the death of the injured worker and generally do not survive to dependents beyond accrued benefits. In cases involving catastrophic occupational disease, particularly those caused by toxic exposure, this limitation raises serious concerns regarding whether families of severely injured workers are adequately protected.

Because HB 3072 alters the exclusive remedy structure of Missouri’s workers’ compensation system and introduces inconsistent pathways for claims arising from the same occupational disease, the bill warrants careful reconsideration.

**Legislative Notice**

**HB 3072 creates a statutory framework in which employers may elect to reject participation in the mesothelioma liability provisions of the workers' compensation system, thereby removing the exclusive remedy protections established under §287.120, RSMo. Because the exclusive remedy doctrine is a central component of Missouri's workers' compensation structure, legislative consideration should include whether the creation of a dual liability system for a specific occupational disease is consistent with the purpose of maintaining a uniform and predictable framework for resolving workplace injury claims.**