

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,
2 Section 84.400, Line 14, by 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,

Action Taken _____ Date _____

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. Posttraumatic stress disorder (PTSD) is recognized as an occupational disease for
14 purposes of this chapter when diagnosed in a first responder, as that term is defined under section
15 67.145."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.