

SENATE BILL NO. 708

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

3411S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

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

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Section A. Section 287.067, RSMo, is repealed and one new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

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

14 2. An injury or death by occupational disease is
15 compensable only if the occupational exposure was the
16 prevailing factor in causing both the resulting medical
17 condition and disability. The "prevailing factor" is
18 defined to be the primary factor, in relation to any other

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 factor, causing both the resulting medical condition and
20 disability. Ordinary, gradual deterioration, or progressive
21 degeneration of the body caused by aging or by the normal
22 activities of day-to-day living shall not be compensable.

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

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

40 5. "Radiation disability" is recognized as an
41 occupational disease for purposes of this chapter and is
42 hereby defined to be that disability due to radioactive
43 properties or substances or to Roentgen rays (X-rays) or
44 exposure to ionizing radiation caused by any process
45 involving the use of or direct contact with radium or
46 radioactive properties or substances or the use of or direct
47 exposure to Roentgen rays (X-rays) or ionizing radiation.

48 6. Disease of the lungs or respiratory tract,
49 hypotension, hypertension, or disease of the heart or
50 cardiovascular system, including carcinoma, may be

51 recognized as occupational diseases for the purposes of this
52 chapter and are defined to be disability due to exposure to
53 smoke, gases, carcinogens, inadequate oxygen, of paid
54 firefighters of a paid fire department or paid police
55 officers of a paid police department certified under chapter
56 590 if a direct causal relationship is established[, or
57 psychological stress of firefighters of a paid fire
58 department or paid peace officers of a police department who
59 are certified under chapter 590 if a direct causal
60 relationship is established].

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

65 8. With regard to occupational disease due to
66 repetitive motion, if the exposure to the repetitive motion
67 which is found to be the cause of the injury is for a period
68 of less than three months and the evidence demonstrates that
69 the exposure to the repetitive motion with the immediate
70 prior employer was the prevailing factor in causing the
71 injury, the prior employer shall be liable for such
72 occupational disease.

73 **9. (1) Post-traumatic stress disorder diagnosed in**
74 **any person who is a firefighter, police officer, emergency**
75 **medical technician, emergency medical dispatcher, or any**
76 **other first responder of any political subdivision shall be**
77 **recognized as an occupational disease if:**

78 **(a) The person has completed five or more years of**
79 **employment as a firefighter, police officer, emergency**
80 **medical technician, emergency medical dispatcher, or other**
81 **first responder; and**

82 (b) The person was examined by a medical professional
83 upon becoming employed in that position and such examination
84 did not reveal any evidence of post-traumatic stress
85 disorder.

86 (2) Any person who meets the qualifications of
87 subdivision (1) of this subsection shall be presumed to have
88 acquired post-traumatic stress disorder as a result of
89 employment as a firefighter, police officer, emergency
90 medical technician, emergency medical dispatcher, or any
91 other first responder.

92 (3) Denial of a claim arising under this subsection
93 shall be on the basis of clear and convincing medical
94 evidence that the cause of the post-traumatic stress
95 disorder is unrelated to the person's employment as a
96 firefighter, police officer, emergency medical technician,
97 emergency medical dispatcher, or any other first responder.

98 10. As used in this section, "emergency medical
99 technician" and "emergency medical dispatcher" shall have
100 the same meanings as in section 190.100, and "post-traumatic
101 stress disorder" shall mean a condition of persistent mental
102 and emotional stress occurring as a result of injury or
103 severe psychological shock.

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