

The House Committee on Industry and Labor offers the following substitute to HB 152:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,
2 relating to compensation for occupational disease, so as to include certain ordinary diseases
3 of life attributable to the performance of the usual work of an employee within the meaning
4 of occupational disease; to provide for definitions; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to
9 compensation for occupational disease, is amended by revising Code Section 34-9-280,
10 relating to definitions, as follows:

11 "34-9-280.

12 As used in this article, the term:

13 (1) 'Cancer' means bladder, blood, brain, breast, cervical, esophageal, intestinal, kidney,
14 lymphatic, lung, prostate, rectal, respiratory tract, skin, testicular, and thyroid cancer;
15 leukemia; multiple myeloma; or non-Hodgkin's lymphoma.

16 ~~(1)~~(2) 'Disablement' means the event of an employee becoming actually disabled to
17 work, as provided in Code Sections 34-9-261, 34-9-262, and 34-9-263, because of
18 occupational disease.

19 (3) 'Firefighter' shall have the same meaning as provided in Code Section 25-4-2.

20 ~~(2)~~(4) 'Occupational disease' means those diseases which arise out of and in the course
21 of the particular trade, occupation, process, or employment in which the employee is
22 exposed to such disease, provided the employee or the employee's dependents first prove
23 to the satisfaction of the State Board of Workers' Compensation all of the following:

24 (A) A direct causal connection between the conditions under which the work is
25 performed and the disease;

26 (B) That the disease followed as a natural incident of exposure by reason of the
27 employment;

28 (C) That the disease is not of a character to which the employee may have had
29 substantial exposure outside of the employment;

30 (D) That the disease is not an ordinary disease of life to which the general public is
31 exposed; provided, however, that for any firefighter, who has served more than five
32 consecutive years as a firefighter, the disease of cancer, otherwise considered an
33 ordinary disease of life, is shown by a preponderance of the competent and credible
34 evidence, which shall include medical evidence, to have been attributable to the
35 firefighter's performance of his or her duties as a firefighter; and

36 (E) That the disease must appear to have had its origin in a risk connected with the
37 employment and to have flowed from that source as a natural consequence.

38 For the purposes of this paragraph, partial loss of hearing due to noise shall not be
39 considered an occupational disease. Psychiatric and psychological problems and heart
40 and vascular diseases shall not be considered occupational diseases, except where they
41 arise from a separate occupational disease."

42 **SECTION 2.**

43 All laws and parts of laws in conflict with this Act are repealed.