

House Bill 216 (COMMITTEE SUBSTITUTE)

By: Representatives Gravley of the 67<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Powell of the 32<sup>nd</sup>, Watson of the 172<sup>nd</sup>, Waites of the 60<sup>th</sup>, and others

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 related matters; to repeal conflicting laws; and for  
5 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) 'Disablement' means the event of an employee becoming actually disabled to work,  
14 as provided in Code Sections 34-9-261, 34-9-262, and 34-9-263, because of occupational  
15 disease.

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

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

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

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

26 (D) That the disease is not an ordinary disease of life to which the general public is  
27 exposed; provided, however, that for firefighters, as defined in Code Section 25-4-2,  
28 the disease of cancer, otherwise considered an ordinary disease of life, is shown by a  
29 preponderance of the competent and credible evidence, which shall include medical  
30 evidence, to have been attributable to the firefighter's performance of his or her duties  
31 as a firefighter; and

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

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

38 **SECTION 2.**

39 All laws and parts of laws in conflict with this Act are repealed.