

SENATE SUBSTITUTE TO HB216:

AS PASSED SENATE

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 allow a firefighter to show certain
 3 evidence as to the ordinary disease of life of cancer; to provide for related matters; to repeal
 4 conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

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

10 "34-9-280.

11 As used in this article, the term:

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

15 (2) 'Occupational disease' means those diseases which arise out of and in the course of
 16 the particular trade, occupation, process, or employment in which the employee is
 17 exposed to such disease or a risk factor for such disease, provided the employee or the
 18 employee's dependents first prove to the satisfaction of the State Board of Workers'
 19 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)(i) That the disease is not an ordinary disease of life to which the general public
 27 is exposed; or

28 (ii) If the disease is cancer, which is otherwise considered an ordinary disease of life,
29 that such employee is a firefighter, as defined in Code Section 25-4-2 or 45-9-81, and
30 by a preponderance of the evidence, which shall include medical evidence, shows that
31 the cancer is attributable to the firefighter's performance of his or her duties as a
32 firefighter; and

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

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

39 **SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.