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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to compensation for occupational disease, is amended by revising Code Section 34-9-280, relating to definitions, as follows:

"34-9-280. As used in this article, the term:

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

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

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

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

(A) A direct causal connection between the conditions under which the work is performed and the disease;
(B) That the disease followed as a natural incident of exposure by reason of the employment;

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

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

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

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

SECTION 2.

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