

1 HB51
2 195894-1
3 By Representative Wood (R)
4 RFD: Ways and Means General Fund
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

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8 SYNOPSIS: Under existing law, for purposes of worker's
9 compensation, an occupational disease does not
10 include a mental disease or disorder arising out of
11 and in the course of employment unless there is an
12 accompanying physical injury.

13 This bill would define occupational disease
14 for purposes of worker's compensation for a paid
15 law enforcement officer, paid firefighter, or paid
16 emergency worker, to include a mental disease or
17 disorder, including post-traumatic stress disorder,
18 that arises out of and in the course of employment
19 without regard to whether there was an accompanying
20 physical injury.

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22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 Relating to workers' compensation; to amend Section
27 25-5-110, Code of Alabama 1975, to further define the term

1 occupational disease to include a mental disease or disorder
2 arising out of and in the course of employment of a paid law
3 enforcement officer, paid firefighter, or paid emergency
4 medical worker without regard to whether there was an
5 accompanying physical injury.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 25-5-110, Code of Alabama 1975,
8 is amended to read as follows:

9 "§25-5-110.

10 "For the purposes of this article, the following
11 terms shall have the meanings respectively ascribed to them by
12 this section:

13 "(1) OCCUPATIONAL DISEASE. A disease arising out of
14 and in the course of employment, including occupational
15 pneumoconiosis and occupational exposure to radiation as
16 defined in subdivisions (2) and (3), respectively, of this
17 section, which is due to hazards in excess of those ordinarily
18 incident to employment in general and is peculiar to the
19 occupation in which the employee is engaged but without regard
20 to negligence or fault, if any, of the employer. A disease,
21 including, but not limited to, loss of hearing due to noise,
22 shall be deemed an occupational disease only if caused by a
23 hazard recognized as peculiar to a particular trade, process,
24 occupation, or employment as a direct result of exposure, over
25 a period of time, to the normal working conditions of the
26 trade, process, occupation, or employment. Notwithstanding
27 subdivision (7) of Section 25-5-1 or Section 25-5-11, for

1 purposes of this article, the term includes a mental disease
2 or disorder, including post-traumatic stress disorder, that
3 arises out of and in the course of employment as a paid law
4 enforcement officer, paid firefighter, or paid emergency
5 medical worker, without regard to whether there was an
6 accompanying physical injury.

7 "(2) OCCUPATIONAL PNEUMOCONIOSIS. A disease of the
8 lungs caused by inhalation of minute particles of dust over a
9 period of time, which dust is due to causes and conditions
10 arising out of and in the course of the employment, without
11 regard to whether the causes or conditions are inherent in the
12 employment or can be eliminated or reduced by due care on the
13 part of the employer. The term "occupational pneumoconiosis"
14 shall include, but without limitation, such diseases as
15 silicosis, siderosis, anthracosis, anthrasilicosis,
16 anthracosilicosis, anthraco-tuberculosis, tuberculosilicosis,
17 silico-tuberculosis, aluminosis, and other diseases of the
18 lungs resulting from causes enumerated in this section.

19 "(3) OCCUPATIONAL EXPOSURE TO RADIATION. Gradual
20 exposure to radiation over a period of time from the use of or
21 direct contact with radium, radioactive substances, roentgen
22 rays (X rays), or ionizing radiation, arising out of and in
23 the course of the employment and resulting from the nature of
24 the employment in which the employee is engaged, without
25 regard to whether the exposure is inherent in the employment
26 or can be eliminated or reduced by due care on the part of the
27 employer.

1 "(4) NATURE OF EMPLOYMENT. With respect to
2 subdivisions (2) and (3) above, this term shall mean that, as
3 to the industry in which the employee is engaged, there is
4 attached a particular hazard of the exposure that
5 distinguishes it from the usual run of occupations and is in
6 excess of the hazards of the exposure attending employment in
7 general.

8 "(5) CONTRACTION OF AN OCCUPATIONAL DISEASE. This
9 term shall include any aggravation of the disease without
10 regard to the employment in which the disease was contracted."

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.