

1 HB44
2 203636-1
3 By Representative Simpson
4 RFD: Ways and Means General Fund
5 First Read: 04-FEB-20
6 PFD: 01/23/2020

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8 SYNOPSIS: Under existing law, when an employer and
9 employee are subject to the workers' compensation
10 laws, an employee who is disabled or killed as a
11 result of an occupational disease is entitled to
12 compensation.

13 Also under existing law, an occupational
14 disease is not considered to include a mental
15 disease or disorder, including post-traumatic
16 stress disorder, unless a physical injury
17 accompanies the mental disease or disorder.

18 This bill would provide that for purposes of
19 workers' compensation benefits paid to an emergency
20 responder, the term occupational disease includes a
21 mental disease or disorder, including
22 post-traumatic stress disorder, that arises out of
23 and in the course of employment, without regard to
24 whether there was an accompanying physical injury.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 Relating to workers' compensation; to amend Section
4 25-5-110, Code of Alabama 1975, to provide workers'
5 compensation benefits to emergency responders who develop a
6 mental disease or disorder arising out of and in the course of
7 employment.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 "§25-5-110.

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

15 "~~(5)~~ (1) CONTRACTION OF AN OCCUPATIONAL DISEASE.

16 This term shall include any aggravation of the disease without
17 regard to the employment in which the disease was contracted.

18 "(2) EMERGENCY RESPONDER. A law enforcement officer,
19 firefighter, paramedic, emergency dispatcher, or emergency
20 medical technician of an emergency service agency or entity.

21 "~~(4)~~ (3) NATURE OF EMPLOYMENT. With respect to
22 subdivisions (2) and (3) above occupational pneumoconiosis or
23 occupational exposure to radiation, this term shall mean that,
24 as to the industry in which the employee is engaged, there is
25 attached a particular hazard of the exposure that
26 distinguishes it from the usual run of occupations and is in

1 excess of the hazards of the exposure attending employment in
2 general.

3 ~~"(1)~~ (4) OCCUPATIONAL DISEASE. A disease arising out
4 of and in the course of employment, including occupational
5 pneumoconiosis and occupational exposure to radiation ~~as~~
6 ~~defined in subdivisions (2) and (3), respectively, of this~~
7 ~~section,~~ which is due to hazards in excess of those ordinarily
8 incident to employment in general and is peculiar to the
9 occupation in which the employee is engaged but without regard
10 to negligence or fault, if any, of the employer. A disease,
11 including, but not limited to, loss of hearing due to noise,
12 shall be deemed an occupational disease only if caused by a
13 hazard recognized as peculiar to a particular trade, process,
14 occupation, or employment as a direct result of exposure, over
15 a period of time, to the normal working conditions of the
16 trade, process, occupation, or employment. Notwithstanding
17 subdivision (7) of Section 25-5-1 or Section 25-5-11, for
18 purposes of this article, the term includes a mental disease
19 or disorder, including post-traumatic stress disorder, that
20 arises out of and in the course of employment as an emergency
21 responder, without regard to whether there was an accompanying
22 physical injury.

23 ~~"(3)~~ (5) OCCUPATIONAL EXPOSURE TO RADIATION. Gradual
24 exposure to radiation over a period of time from the use of or
25 direct contact with radium, radioactive substances, roentgen
26 rays (X rays), or ionizing radiation, arising out of and in
27 the course of the employment and resulting from the nature of

1 the employment in which the employee is engaged, without
2 regard to whether the exposure is inherent in the employment
3 or can be eliminated or reduced by due care on the part of the
4 employer.

5 ~~"(2)~~ (6) OCCUPATIONAL PNEUMOCONIOSIS. A disease of
6 the lungs caused by inhalation of minute particles of dust
7 over a period of time, which dust is due to causes and
8 conditions arising out of and in the course of the employment,
9 without regard to whether the causes or conditions are
10 inherent in the employment or can be eliminated or reduced by
11 due care on the part of the employer. The term "occupational
12 pneumoconiosis" shall include, but without limitation, such
13 diseases as silicosis, siderosis, anthracosis,
14 anthrasilicosis, anthracosilicosis, anthraco-tuberculosis,
15 tuberculosilicosis, silico-tuberculosis, aluminosis, and other
16 diseases of the lungs resulting from causes enumerated in this
17 section."

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