

2024 Regular Session

HOUSE BILL NO. 326

BY REPRESENTATIVE HORTON

POLICE/STATE: Provides relative to occupational diseases for the division of state police

1 AN ACT

2 To enact R.S. 40:1374.1 to provide relative to occupational diseases; relative to the division
3 of state police; to provide that the development of hearing loss while employed in
4 the division of state police is an occupational disease; to provide for benefits to an
5 affected employee; to provide for a rebuttable presumption under certain
6 circumstances; to provide for the testing of audiology examinations; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1374.1 is hereby enacted to read as follows:

10 §1374.1. Development of hearing loss during employment in the division of state
11 police; occupational disease

12 A. For the purpose of this Section, "division" has the same meaning as
13 provided for in R.S. 40:1372.

14 B.(1) Any loss of hearing that is ten decibels or greater on average for the
15 frequencies that the Occupational Safety and Health Administration monitors for
16 noise exposure in the general population when adjusted for aging and that develops
17 during employment in the division shall, for purposes of this Section only, be
18 classified as a disease or infirmity connected with employment.

19 (2) The employee affected shall be entitled to medical benefits, including
20 hearing aids, as granted by the laws of this state to which one suffering an

1 occupational disease is entitled to, regardless of whether the employee is on duty at
2 the time he is stricken with the loss of hearing.

3 (a) Such loss of hearing shall be presumed to have developed during
4 employment and shall be presumed to have been caused by or to have resulted from
5 hazardous noise exposure when annual diagnostic hearing testing reveals a decrease
6 of ten decibels or more for the frequencies that the Occupational Safety and Health
7 Administration monitors for noise exposure from the baseline audiological
8 evaluation.

9 (b) This presumption shall be rebuttable by a preponderance of evidence, and
10 such presumption shall be overcome if the evidence does not establish that the nature
11 of the work performed was the predominant and major cause of the hearing loss.

12 (c) The presumption shall be extended to an employee following termination
13 of service for a period of twenty-four months.

14 C.(1) Each person selected for appointment to an entry level position in the
15 division on and after August 1, 2024, shall submit to a baseline audiology
16 examination, an annual audiological examination, and a final termination
17 audiological evaluation at the end of service. An employee shall receive his baseline
18 examination not later than one year after his appointment.

19 (2) The appointing authority shall develop and implement policies and
20 procedures for the administration of such examinations.

21 D.(1) Nothing in this Section shall modify the qualifications necessary to
22 establish eligibility to receive benefits or the calculation of benefits to be paid in
23 accordance with any Louisiana public pension or retirement system, plan, or fund.

24 (2) In case of a conflict between any provision of Title 11 of the Louisiana
25 Revised Statutes of 1950 and any provision of this Section, the provision of Title 11
26 of the Louisiana Revised Statutes of 1950 shall control.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 326 Engrossed

2024 Regular Session

Horton

Abstract: Provides that the development of hearing loss while employed in the division of state police shall be considered an occupational disease.

Proposed law provides that division means the division of state police in the Dept. of Public Safety and Corrections.

Proposed law provides that any loss of hearing that is 10 decibels or greater on average for the frequencies that the Occupational Safety and Health Administration (OSHA) monitors for noise exposure in the general population when adjusted for aging and that develops during employment in the division shall, under proposed law only, be classified as a disease or infirmity connected with employment.

Proposed law provides that employees affected by such hearing loss shall be entitled to the same medical benefits, including hearing aids, that are lawfully granted to those who suffer from an occupational disease. Proposed law further provides that the employee shall be entitled to such benefits, regardless of whether the employee was on duty at the time he received such hearing loss.

Proposed law provides that there is a presumption that such hearing loss developed during employment and to have been caused by or resulted from hazardous noise exposure, if an annual diagnostic hearing reveals a decrease of 10 decibels or more for frequencies as established by OSHA from the initial baseline audiological evaluation.

Proposed law provides a rebuttable presumption and further provides that such presumption can be overcome if there is no determination that the nature of the work performed was the predominant and major cause of the hearing loss.

Proposed law requires the presumption to be extended to an employee following termination of service for a period of 24 months.

Proposed law requires each person selected for appointment to an entry level position with the division on and after Aug. 1, 2024, to submit to a baseline audiology examination, an annual audiological examination, and a final termination audiological evaluation at the end of service. Proposed law further requires the baseline examination to be conducted no later than one year following the employee's appointment.

Proposed law prohibits the provisions of proposed law from modifying any necessary qualifications for establishing eligibility or calculation of benefits to be paid under any La. public pension or retirement system, plan, or fund.

(Adds R.S. 40:1374.1)