
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)