

2022 Regular Session

HOUSE BILL NO. 1072 (Substitute for House Bill No. 878 by Representative Horton)

BY REPRESENTATIVES HORTON, DUBUISSON, EDMONDS, FARNUM,
FONTENOT, FREIBERG, KERNER, MCKNIGHT, SCHAMERHORN, AND
STAGNI

1 AN ACT

2 To enact R.S. 33:2581.3, relative to the classified police service; to provide that the
3 development of hearing loss while employed in the classified police service is an
4 occupational disease; to provide for benefits to an affected employee; to create a
5 rebuttable presumption that such hearing loss developed during employment under
6 certain circumstances; to require certain persons appointed to the classified police
7 service to submit to certain audiology examinations; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2581.3 is hereby enacted to read as follows:

11 §2581.3. Development of hearing loss during employment in the classified police
12 service; occupational disease

13 A. Any loss of hearing that is ten decibels or greater on average for the
14 frequencies that the Occupational Safety and Health Administration monitors for
15 noise exposure in the general population when adjusted for aging and that develops
16 during employment in the classified police service in the state of Louisiana shall, for
17 purposes of this Section only, be classified as a disease or infirmity connected with
18 employment. The employee affected shall be entitled to medical benefits, including
19 hearing aids, as granted by the laws of the state of Louisiana to which one suffering
20 an occupational disease is entitled, regardless of whether the employee is on duty at
21 the time he is stricken with the loss of hearing. Such loss of hearing shall be
22 presumed to have developed during employment and shall be presumed to have been
23 caused by or to have resulted from hazardous noise exposure when diagnostic

1 hearing testing reveals a decrease of ten decibels or more for the frequencies that the
 2 Occupational Safety and Health Administration monitors for noise exposure from the
 3 baseline audiological evaluation. This presumption shall be rebuttable by a
 4 preponderance of evidence, and such presumption can be overcome if the evidence
 5 does not establish that the nature of the work performed was the predominant and
 6 major cause of the hearing loss. Such presumption shall be extended to an employee
 7 following termination of service for a period of twenty-four months.

8 B. Each person selected for appointment to an entry level position in the
 9 classified police service on and after August 1, 2022, shall submit to a baseline
 10 audiology examination, an audiological examination every five years, and a final
 11 termination audiological evaluation at the end of service. The appointing authority
 12 shall develop and implement policies and procedures for the administration of such
 13 examinations. A person shall receive his baseline examination not later than one year
 14 after his appointment.

15 C.(1) Nothing in this Section shall modify the qualifications necessary to
 16 establish eligibility to receive benefits or the calculation of benefits to be paid under
 17 any Louisiana public pension or retirement system, plan, or fund.

18 (2) In case of a conflict between any provision of Title 11 of the Louisiana
 19 Revised Statutes of 1950, including any provision in Subpart E of Part II of Chapter
 20 4 of Subtitle III of Title 11 of the Louisiana Revised Statutes of 1950, and any
 21 provision of this Section, the provision of Title 11 of the Louisiana Revised Statutes
 22 of 1950 shall control.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____