

# ACT No. 527

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_