

2024 Regular Session

HOUSE BILL NO. 326

BY REPRESENTATIVES HORTON, BUTLER, CARRIER, COATES, FISHER, AND LAFLEUR AND SENATORS BASS, BOUDREAUX, HENRY, JENKINS, MIGUEZ, PRESSLY, PRICE, AND SEABAUGH

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

23 (a) Such loss of hearing shall be presumed to have developed during
24 employment and shall be presumed to have been caused by or to have resulted from

1 hazardous noise exposure when diagnostic hearing testing reveals a decrease of ten
2 decibels or more for the frequencies that the Occupational Safety and Health
3 Administration monitors for noise exposure from the baseline audiological
4 evaluation.

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____