

2024 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

24105175D

HOUSE BILL NO. 1300

Offered January 10, 2024

Prefiled January 10, 2024

A *BILL to amend and reenact § 65.2-400 of the Code of Virginia, relating to "Occupational disease" defined.*

Patron—Cordoza

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-400 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-400. "Occupational disease" defined.

A. As used in this title, unless the context clearly indicates otherwise, the term "occupational disease" means a disease arising out of and in the course of employment, but not an ordinary disease of life to which the general public is exposed outside of the employment.

B. A disease shall be deemed to arise out of the employment only if there is apparent to the rational mind, upon consideration of all the circumstances:

1. A direct causal connection between the conditions under which work is performed and the occupational disease;

2. It can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;

3. It can be fairly traced to the employment as the proximate cause;

4. It is neither a disease to which an employee may have had substantial exposure outside of the employment, nor any condition of the neck, back or spinal column;

5. It is incidental to the character of the business and not independent of the relation of employer and employee; and

6. It had its origin in a risk connected with the employment and flowed from that source as a natural consequence, though it need not have been foreseen or expected before its contraction.

C. Hearing loss and the condition of carpal tunnel syndrome, *and physical conditions diagnosed by a licensed healthcare provider resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stresses, contact stresses, or vibrations*, are not occupational diseases but are ordinary diseases of life as defined in § 65.2-401.

D. *For purposes of this section and physical conditions diagnosed by a licensed healthcare provider resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stresses, contact stresses, or vibrations, injurious exposure shall be defined as exposure to the causative hazard of the condition or disease which is reasonably calculated to bring on the disease or condition in question. Exposure to the causative hazard of the disease or condition for 130 shifts shall be conclusively presumed to constitute injurious exposure. The employer in whose employment the employee was last injuriously exposed to the hazards of the disease or condition and the employer's insurance carrier, in any, at the time of the exposure shall alone be liable therefor, without right to contribution from any prior employer or insurance carrier.*

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