

JAN 19 2007

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 386-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Occupational disease" means any abnormal condition or any
5 acute, chronic, or recurring injury, illness, infection,
6 disability, disorder, syndrome, or symptom that is:

7 (1) Contracted in the course of employment through
8 exposure to operational or environmental factors that
9 result in the absence of work for a period of two or
10 more working days or shifts; and

11 (2) The result of causes and conditions that are:

12 (A) Characteristic of and peculiar to a particular
13 trade, occupation, process, or employment; or

14 (B) The byproduct of a particular work environment,
15 although generally not peculiar to a particular
16 industry.

17 An occupational disease includes conditions caused from
18 chemical, physical, ergonomic, biological, or psychosocial



1 hazards that may result from systemic infection, repeated stress
2 or strain, exposure to toxins, poisons, fumes, or biological
3 agents, including through injection, inhalation, absorption,
4 ingestion, or direct contact, or other continuing conditions of
5 the employment.

6 Occupational disease does not mean an ordinary disease of
7 life to which the general public is exposed, unless the
8 incidence of the disease is substantially higher in the
9 particular trade, occupation, process, or employment than for
10 the general public."

11 SECTION 2. Section 386-3, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) If an employee suffers personal injury either by
14 accident arising out of and in the course of the employment or
15 by occupational disease [~~proximately caused by or resulting from~~
16 ~~the nature of the employment~~], the employee's employer or the
17 special compensation fund shall pay compensation to the employee
18 or the employee's dependents as provided in this chapter.

19 Accident arising out of and in the course of the employment
20 includes the wilful act of a third person directed against an
21 employee because of the employee's employment."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Shianne Chun Oakland

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Report Title:

Workers' Compensation; Covered Injuries; Occupational Diseases

Description:

Requires occupational diseases to be considered work injuries that are compensable under workers' compensation law.

