

HOUSE BILL No. 5284

August 26, 2009, Introduced by Rep. Bledsoe and referred to the Committee on Regulatory Reform.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
(MCL 418.101 to 418.941) by adding section 301a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 301A. (1) A LUNG DISEASE OR OTHER CONDITION THAT HAS BEEN
2 LINKED TO SECONDHAND SMOKE BY CREDIBLE SCIENTIFIC EVIDENCE SHALL BE
3 PRESUMED TO HAVE BEEN CONTRIBUTED TO, AGGRAVATED, OR ACCELERATED IN
4 A SIGNIFICANT MANNER BY EMPLOYMENT AND IS COMPENSABLE AS PROVIDED
5 IN THIS ACT IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

6 (A) THE EMPLOYER PERMITS SMOKING IN THE WORKPLACE.

7 (B) THE AFFECTED EMPLOYEE DOES NOT SMOKE AND HAS NOT BEEN A
8 SMOKER IN THE IMMEDIATELY PRECEDING 10 YEARS.

9 (C) THE EMPLOYEE WAS SUBJECT TO SECONDHAND SMOKE IN THE

1 WORKPLACE FOR 1 YEAR OR MORE.

2 (2) THE PRESUMPTION UNDER SUBSECTION (1) IS REMOVED IF THE
3 EMPLOYER PROVIDES AFFIRMATIVE EVIDENCE OF NON-WORK-RELATED
4 CAUSATION OR SPECIFIC INCIDENTS THAT ESTABLISH A CAUSE INDEPENDENT
5 OF EMPLOYMENT AND NOT MERELY EVIDENCE OF A PREEXISTING CONDITION OR
6 AN ABSTRACT MEDICAL OPINION THAT EMPLOYMENT WAS NOT THE CAUSE OF
7 THE DISEASE OR CONDITION.