

SEC. 9. Said chapter 92 of the general laws is hereby further amended by adding thereto the following article, viz.:

Definitions:

“Article VIII.

“Occupational Diseases.

“Section 1. Whenever used in this article:

‘disability’.

“(a) The word ‘disability’ means the state of being disabled from earning full wages at the work at which the employee was last employed;

‘disablement’.

“(b) The word ‘disablement’ means the event of becoming so disabled as defined in sub-paragraph (a);

‘occupational disease’.

“(c) The term ‘occupational disease’ means a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process or employment.

Disablement resulting from occupational disease treated as injury.

“Sec. 2. The disablement of an employee resulting from an occupational disease or condition described in the following schedule shall be treated as the happening of a personal injury by accident within the meaning of this chapter and the procedure and practice provided in this chapter shall apply to all proceedings under this article, except where specifically otherwise provided herein:

Occupational diseases for which compensation is payable.

1. Anthrax.
2. Arsenic poisoning or its sequelae.
3. Brass or zinc poisoning or its sequelae.
4. Lead poisoning or its sequelae.
5. Manganese poisoning.

6. Mercury poisoning or its sequelae. Same.
7. Phosphorus poisoning or its sequelae.
8. Poisoning by wood alcohol.
9. Poisoning by carbon bisulphide, methanol, naphtha, or volatile halogenated hydrocarbons, or any sulphide, or its sequelae.
10. Poisoning by benzol, or nitro-, hydro-, hydroxy- and amido-derivatives of benzol (dinitro-benzol, anilin, and others), or its sequelae.
11. Poisoning by carbon monoxide.
12. Poisoning by nitrous fumes or its sequelae.
13. Poisoning by nickel carbonyl or its sequelae.
14. Dope poisoning (poisoning by tetrachlormethan or any substance used as or in conjunction with a solvent for acetate of cellulose or nitro cellulose or its sequelae.)
15. Poisoning by formaldehyde and its preparations.
16. Chrome ulceration or its sequelae or chrome poisoning.
17. Epitheliomatous cancer or ulceration of the skin, or of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil, or paraffin, or any compound, product or residue of any of these substances.
18. Glanders.
19. Compressed air illness or its sequelae.
20. Miners' disease, including only cellulitis, bursitis, ankylostomiasis, tenosynovitis and nystagmus.

Same.

21. Cataract in glassworkers.

22. Radium poisoning or disability due to radioactive properties of substances or to Roentgen rays (X-rays).

23. Methyl chloride poisoning.

24. Poisoning by sulphuric, hydro-chloric or hydro-fluoric acid.

25. Respiratory, gastrointestinal or physiological nerve and eye disorders due to contact with petroleum products and their fumes.

26. Disability arising from blisters or abrasions.

27. Hernia, clearly recent in origin and resulting from a strain, arising out of and in the course of employment and promptly reported to the employer.

28. Infection or inflammation of the skin or eyes or other external contact surfaces or oral or nasal cavities due to oils, cutting compounds, or lubricants, dust, liquids, fumes, gases or vapors.

29. Dermatitis (venenata).

30. Disability arising from bursitis or synovitis.

31. Disability arising from frost bite.

Payments upon death or disability from occupational disease.

"Sec. 3. If an employee is disabled or dies and his disability or death is caused by one of the diseases mentioned in the schedule contained in section two of this article and the disease is due to the nature of the employment in which such employee was engaged and was contracted therein, he or his dependents shall be entitled to compensation for his death or for his disablement, and he shall be entitled to be furnished with med-

ical and hospital services, all as provided in article II of this chapter, except as hereinafter state' in this article; *provided, however*, that if it shall be determined that such employee is able to earn wages at another occupation which shall be neither unhealthful nor injurious and such wages do not equal his full wages prior to the date of his disablement, the compensation payable shall be a percentage of full compensation proportionate to the reduction in his earning capacity.

“Sec. 4. Neither the employee nor his dependents shall be entitled to compensation for disability or death resulting from such occupational disease, unless such occupational disease is due to the nature of his employment and was contracted therein, or in a continuous employment similar to the one in which he was engaged at the time of his disablement, within twenty-four months previous to the date of disablement, whether under one or more employers. The time limit for contraction of the occupational disease prescribed by this section shall not bar compensation in the case of an employee who contracted such occupational disease in the same employment with the same employer by whom he was employed at the time of his disablement and who had continued in the same employment with the same employer from the time of contracting such occupational disease up to the time of his disablement thereby.

When compensation not payable for death or disability resulting from occupational disease.

“Sec. 5. The director of labor shall appoint one or more physicians whose duty it shall be to examine any claimant under this article and to make a report in such form as the director may require.

Director of labor to appoint physicians.

“Sec. 6. For the purposes of this article the date of disablement shall be such date as the director or the court may determine on the hearing on the claim.

Date of disablement.

Fraud of
employee.

“Sec. 7. No compensation shall be payable for an occupational disease if the employee, at the time of entering into the employment of the employer by whom the compensation would otherwise be payable, or thereafter, wilfully and falsely represents in writing that he has not previously suffered from the disease which is the cause of the disability or death. Where an occupational disease is aggravated by any other disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated, or in any wise contributed to by an occupational disease, the compensation payable shall be such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death as such occupational disease, as a causative factor, bears to all the causes of such disability or death, such reduction in compensation, to be effected by reducing the number of weekly payments or the amounts of such payments, as under the circumstances of the particular case may be for the best interests of the claimant or claimants.

Provision for
compensation
when occupa-
tional dis-
ease aggra-
vated by other
disease.

Employer from
whom com-
pensation
recoverable.

“Sec. 8. The total compensation due shall be recoverable from the employer who last employed the employee in the employment to the nature of which the disease was due and in which it was contracted. If, however, such disease was contracted while such employee was in the employment of a prior employer, the employer who is made liable for the total compensation as provided by this section, may appeal to the director of labor for an apportionment of such compensation among the several employers who since the contraction of such disease shall have employed such employee in

Apportionment.

the employment to the nature of which the disease was due. Such apportionment shall be proportioned to the time such employee was employed in the service of such employers, and shall be determined only after a hearing, notice of the time and place of which shall have been given to every employer alleged to be liable for any portion of such compensation. If the director finds that any portion of such compensation is payable by an employer prior to the employer who is made liable for the total compensation as provided by this section, he shall make an award accordingly in favor of the last employer, and such award may be enforced in the same manner as an award for compensation.

“Sec. 9. The employer to whom notice of death or disability is to be given, or against whom claim is to be made by the employee, shall be the employer who last employed the employee during the said twenty-four months in the employment to the nature of which the disease was due and such notice and claim shall be deemed seasonable as against prior employers. The requirements as to notice as to occupational disease and death resulting therefrom and the requirements as to the bringing of proceedings for compensation for disability or death resulting from such occupational disease shall be the same as required in section seventeen of article II of this chapter, except that the notice shall be given to the employer within ninety days after the disablement.

Employer to whom notice of death or disability to be given.

“Sec. 10. The employee, or his dependents, if so requested, shall furnish the last employer or the director of labor with such information as to the names and addresses of all his other employers during the said

Information to be furnished employer.

Same.

twenty-four months, as he or they may possess; and if such information is not furnished, or is not sufficient to enable such last employer to take proceedings against a prior employer under section eight of this article, unless it be established that the occupational disease actually was contracted while the employee was in his employment, such last employer shall not be liable to pay compensation, or, if such information is not furnished or is not sufficient to enable such last employer to take proceedings against other employers under section eight of this article, such last employer shall be liable only for such part of the total compensation as under the particular circumstances the director may deem just; but a false statement in the information furnished as aforesaid shall not impair the employee's rights unless the last employer is prejudiced thereby.

Disease not specifically mentioned.

"Sec. 11. Nothing in this article shall affect the rights of an employee, or his dependents, to recover compensation in respect to a disease to which this article does not apply, if the disease, apart from this article, is one for which compensation is payable under the other provisions of this chapter.

Not to apply until after September 15, 1936.

"Sec. 12. This article shall not apply to cases of occupational disease in which the last injurious exposure to the hazards of such disease occurred prior to the fifteenth day of September, A. D. 1936."

SEC. 10. Article VIII of said chapter 92 of the general laws is hereby renumbered and made article IX thereof.

SEC. 11. Section 5, chapter 2250 of the public laws of 1935, entitled "AN ACT RELATING TO THE CIV-

IL ADMINISTRATION OF THE STATE GOVERNMENT AND AMENDING OR REPEALING CERTAIN GENERAL AND PUBLIC LAWS," is hereby amended by adding thereto the following section:

"DIVISION OF INDUSTRIAL HYGIENE

"Sec. 119. Within said department there shall be a division of industrial hygiene. The director of public health shall appoint a chief of such division, who shall be a physician versed in the diagnosis, treatment and care of industrial and occupational diseases. The functions of such division shall be: (1) To make studies of the industrial hygiene and occupational disease problem in industry. (2) To recommend to the legislature for enactment such measures as its studies and experience may demonstrate to be advisable and (3) To keep and maintain complete records of its studies, recommendations and other activities."

Division of industrial hygiene created.

Functions of said division.

SEC. 12. Section 19 of said chapter 2290 of the public laws, 1936, is hereby amended to read as follows:

"Sec. 19. This act shall take effect September 15, 1936, and all acts and parts of acts inconsistent herewith are hereby repealed."

SEC. 13. Sections 11 and 12 of this act shall take effect upon their passage and the remainder of this act shall take effect September 15, 1936, and thereupon all acts and parts of acts inconsistent herewith shall stand repealed, including such provisions of chapter 2290 of the public laws, 1936, as amend provisions of chapter 92 of the general laws which are amended by this act.

Effective dates of certain portions of this act.