

### **State Legislative Action on Presumption of Workers' Compensation Eligibility**

\* In recent weeks, state legislatures have introduced bills seeking to establish presumptive eligibility for workers' compensation claims in response to the novel coronavirus (COVID-19) outbreak.

\* We will provide daily updates documenting any relevant new bills and the current procedural posture of the existing legislation. Today, actions include:

- Utah's legislature sent HB 5006, which creates a presumption that first responders who contract COVID-19 contracted it while performing their duties as a first responder, to the Governor for signature.

\* Most states that have introduced legislation establishing presumptive eligibility for workers' compensation claims follow this general framework:

- Provides a presumption of compensability—that may be refuted by affirmative evidence—that a covered employee contracted COVID-19 during the course of employment;
- Defines the contours of who qualifies as an eligible employee (e.g., peace officers, health care providers, food service workers, etc.); and
- Clarifies the duration of the application of the provisions.

Not every state has followed this model and some states deviate in important respects (e.g., application to all future pandemics, etc.).

\* If you operate in a state and notice that we have not included the most up-to-date legislative developments, please let us know.

***Workers' Compensation Legislation***

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
<b>Alaska</b>	<a href="#">SB 241</a>	<b>ENACTED</b> (May 18, 2020)	<p>Yes. Provides that an employee who contracts COVID-19 is conclusively presumed to have contracted an occupational disease arising out of and in the course of employment if, during the public health disaster emergency declared by the governor on March 11, 2020:</p> <ul style="list-style-type: none"> <li>• Is an applicable employee;</li> <li>• Is exposed to COVID-19 in the course of their employment; and</li> <li>• Receives a (1) COVID-19 diagnosis by a physician, presumptive positive COVID-19 test result, or (2) laboratory confirmed COVID-19 diagnosis.</li> </ul>	<ul style="list-style-type: none"> <li>• Firefighters.</li> <li>• Emergency medical technicians.</li> <li>• Paramedics.</li> <li>• Peace officers.</li> <li>• Health providers.</li> </ul>	
<b>California</b>	<p>**Non-legislative development</p> <p><a href="#">EO N-62-20</a></p>	Issued May 6, 2020	<p>Yes. Provides that any COVID-19-related illness of an employee shall be presumed to arise out of and in the course of the employment for purposes of awarding workers' compensation benefits if the employee tested positive for or was diagnosed with COVID-19 within 14 days after a day that the employee performed labor or services at the employee's place of employment at the employer's direction (the employee's place of employment referenced may not be the employee's home or residence).</p> <p>The presumption is disputable and may be controverted by other evidence.</p>	<ul style="list-style-type: none"> <li>• Any employee who performed labor or services at the employee's place of employment at the employer's direction on or after March 19, 2020.</li> </ul>	<p>Applies both prospectively for 60 days from the date of the order and retroactively to March 19, 2020.</p> <p>Provides that an accepted claim for the COVID-19-related illness shall be eligible for all benefits applicable under the California workers' compensation laws.</p>

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			<p>Requires that the diagnosis be done by a physician who holds a physician and surgeon license issued by the California Medical Board and that diagnosis was confirmed by further testing within 30 days of the date of the diagnosis.</p> <p>Provides that if liability for a claim of a COVID-19-related illness is not rejected within 30 days after the date the claim form is filed, the illness will be presumed compensable, unless rebutted by evidence only discovered subsequent to the 30-day period.</p>		<p>Requires that where an employee has paid sick leave benefits specifically available in response to COVID-19, those benefits shall be used and exhausted before any temporary disability benefits.</p> <p>Requires that where an employee does not have sick leave benefits, the employee shall be provided temporary disability benefits or Labor Code section 4850 benefits if applicable, from the date of disability</p> <p>Asserts that the Division of Workers' Compensation may adopt, amend, or repeal any regulations necessary to implement this Order and any regulations will be exempt from the Administrative Procedures Act, except for publication in the</p>

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					<p>California Regulatory Notice Register.</p> <p>Requires that the Department of Industrial Relations waive collection on any death benefit payment due arising out of claims covered by this Order.</p>
	<a href="#">AB 664</a>	Amended with technical correction and re-referred to the Senate Committee on Labor, Public Employment and Retirement (L., P.E. & R.) (May 18, 2020); amended to account for COVID-19 in the Senate and referred to the L., P.E. & R (Apr. 17, 2020); Passed Assembly (May 13, 2019)	<p>Yes. Creates a conclusive presumption that exposure/contracting of a communicable disease—including COVID-19—that is the subject of a state or local declaration of a state of emergency issued after January 1, 2020, arose out of and in the course of employment.</p> <p>Applies when applicable employees are directed to enter into quarantine by a licensed health care professional, a public health officer or agent, or employer.</p>	<ul style="list-style-type: none"> <li>• Active firefighting members (whether volunteers, partly paid, or fully paid of certain fire departments).</li> <li>• Peace officers.</li> <li>• Health care employees who provide direct patient care in an accurate care hospital.</li> <li>• Fire and rescue services coordinators who work for the Office of Emergency Services.</li> </ul>	<p>Applies retroactively to injuries that occurred prior to the declaration of California’s state of emergency.</p> <p>Defines the contours of the compensation that must be covered (e.g., full hospital, surgical, medical treatment, disability, indemnity, and death benefits, etc.).</p>
	<a href="#">SB 1159</a>	Hearing scheduled for June 18, 2020 (Jun. 11, 2020);	Yes. Provides that an “injury,” for the purposes of the state’s workers’ compensation law, that develops or	<ul style="list-style-type: none"> <li>• A public or private sector employee who is employed to</li> </ul>	Provides no specified end date for the application of

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		Placed by Committee on Appropriations on suspense file (June 9, 2020); Passed Senate Committee on Labor, Public Employment and Retirement (May 14, 2020);	<p>manifests itself while a critical worker is employed is presumed to arise out of and in the course of the employment.</p> <p>Defines injury to include illness or death resulting from COVID-19 if all of the following circumstances apply:</p> <ul style="list-style-type: none"> <li>• The injury develops or occurs during a period in which a critical worker is in the service of an essential critical infrastructure employer.</li> <li>• The injury is confirmed by a positive laboratory test or, if a laboratory test was not available, as diagnosed and documented by the critical worker’s physician based on the employee’s symptoms.</li> <li>• The injury results in hospitalization or significant lost time beyond the critical worker’s work shift at the time of injury of at least [X] days due to the illness. <i>Note, the number of days is not provided in the legislation.</i></li> </ul> <p>Provides that the presumption is disputable and may be controverted by other evidence.</p>	combat the spread of COVID-19.	these protections.
	<a href="#">SB 893</a>	Failed passage in Senate Committee on Labor, Public Employment and Retirement (Ayes 0. Noes 2.);	Yes. Provides that an “injury,” for hospital employees that develops or manifests itself while employed is presumed to arise out of and in the course of the employment.	Hospital employees who provide direct patient care in an acute care hospital (i.e., a health facility as defined in subdivision (a) or (b) of Section 1250 of the Health and Safety Code.)	Addresses other workers’ compensation issues unrelated to COVID-19.

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		Reconsideration granted (May 18, 2020)	<p>Defines “injury” to a hospital employee to include infectious disease when any part of the disease or infection develops or manifests itself during a period of the person’s employment with the hospital.</p> <p>For an infectious disease (defined to include COVID-19), the presumption is rebuttable by other evidence, but, unless rebutted, the appeals board shall presume the infectious disease arose out of and in the course of the employment.</p> <ul style="list-style-type: none"> <li>For respiratory diseases, (defined to include COVID-19) this presumption shall be extended to a hospital employee following termination of employment for a period of three calendar months for each full year of employment, but not to exceed 120 months, beginning with the last date actually worked in the specified capacity. The respiratory disease that develops or manifests in a hospital shall not be attributed to a disease that existed before that development or manifestation.</li> </ul>		The compensation that is awarded for an infectious disease (defined to include COVID-19) shall include, but not be limited to, full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the workers’ compensation laws of this state.
	<a href="#">AB 196</a>	Passed by the Assembly (May 23, 2019); amended to account for COVID-19 in the Senate and re-	<p>Yes. Defines an “injury,” for certain essential employees to include COVID-19 that develops or manifests itself during the period of employment.</p> <p>Creates a conclusive presumption that the injury arose out of and in the course</p>	<p>Employees who are employed in an occupation or industry deemed essential in the Governor’s Executive Order or who is subsequently deemed essential <i>except</i></p> <ul style="list-style-type: none"> <li>Active firefighting members,</li> </ul>	Applies both prospectively and retroactively to March 1, 2020.

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		referred to Senate Committee on Labor, Public Employment and Retirement (May 5, 2020);	<p>of the employment, and would extend that presumption following termination of service for a period of 90 days, commencing with the last date actually worked.</p> <p>Provides that the compensation awarded for an injury will include full hospital, surgical, medical treatment, disability indemnity, and death benefits.</p>	<p>whether volunteers, partly paid, or fully paid, of all of the following fire departments: (A) a fire department of a city, county, city and county, district, or other public or municipal corporation or political subdivision; (B) a fire department of the University of California and the California State University; (C) The Department of Forestry and Fire Protection; (D) a county forestry or firefighting department or unit.</p> <ul style="list-style-type: none"> <li>• Peace officers.</li> <li>• Health care employees who provide direct patient care in an acute care hospital.</li> <li>• Fire and rescue services coordinators who work for the Office of Emergency Services.</li> </ul>	
Colorado	<a href="#">SB 20-216</a>	Senate Committee on Appropriations Tabled Indefinitely (Jun. 10, 2020); Referred with amendments to Committee on Appropriations (Jun. 8, 2020); Introduced in the Senate and assigned to Committee on Finance (Jun. 2,	<p>Provides that, for purposes of the “Workers’ Compensation Act of Colorado,” if an essential worker who works outside of the home contracts COVID-19, the contraction is presumed to have arisen out of and in the course of employment and is a compensable accident, injury, or occupational disease.</p> <ul style="list-style-type: none"> <li>• An essential worker is considered to have contracted COVID-19 if the worker tests positive for the virus that causes COVID-19, is diagnosed with COVID-19 by a licensed physician, or has COVID-</li> </ul>	<ul style="list-style-type: none"> <li>• First responders.</li> <li>• Corrections officers Corrections officers working in a facility with an identified covid-19 outbreak. (amended by Committee on Finance June 8, 2020)</li> <li>• Medical, health care, and public health workers.</li> <li>• Home health care workers.</li> <li>• Commercial cleaning workers.</li> <li>• Nursing home workers.</li> <li>• Utility workers and in-home service technicians.</li> <li>• Specified construction or maintenance workers. (removed by</li> </ul>	This presumption is temporary and applies through June 21, 2022.

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		2020)	19 listed as the cause of death on the worker's death certificate.	<p>Committee on Finance June 8, 2020)</p> <ul style="list-style-type: none"> <li>Daycare providers working at facility with an identified COVID-19 outbreak. (added by Committee on Finance Jun. 8, 2020)</li> <li>Workers at residential care or residential living facilities.</li> <li>Food processing and agricultural workers.</li> <li>Grocery store workers. (removed by Committee on Finance June 8, 2020)</li> <li>Specified drivers and operators.</li> <li>Airline employees.</li> </ul>	
<b>Kansas</b>	<a href="#">SB 1</a>	Died in Committee (Jun. 4, 2020); Introduced and referred to Committee on Commerce (Jun. 3, 2020)	Yes. Provides that in the case of employment that includes contact with or work in proximity to or in the same space as the public or co-workers, there is a rebuttable presumption that the COVID-19 disease arose out of and in the course of the employment in which the employee was engaged under such employer and was contracted while the employee was so engaged, and that the employment was the prevailing factor in causing the COVID-19.	<ul style="list-style-type: none"> <li>Employees whose employment includes contact with or work in proximity to or in the same space as the public or co-workers.</li> </ul>	Applies both prospectively and retroactively to January 1, 2020 and expires May 1, 2021.
	<a href="#">HB 2018</a>	Died in Committee (Jun. 8, 2020); Referred to Committee on Commerce, Labor and Economic Development	Yes. Provides that in the case of employment that includes contact with or work in proximity to or in the same space as the public or co-workers, there is a rebuttable presumption that the COVID-19 disease arose out of and in the course of the employment in which	<ul style="list-style-type: none"> <li>Employees whose employment includes contact with or work in proximity to or in the same space as the public or co-workers.</li> </ul>	Applies both prospectively and retroactively to January 1, 2020 and expires May 1, 2021.



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		(June 4, 2020); Introduced (Jun. 3, 2020)	the employee was engaged under such employer and was contracted while the employee was so engaged, and that the employment was the prevailing factor in causing the COVID-19.		
<b>Louisiana</b>	<a href="#">SB 475</a>	Introduced (Mar. 31, 2020)	Yes. Provides that every essential worker who is disabled because of the contraction of COVID-19—or the dependent of an essential worker whose death is caused by COVID-19—will be entitled to workers’ compensation the same as if the essential worker received personal injury by accident arising out of and in the course of their employment.	<ul style="list-style-type: none"> <li>Persons working in public safety, government, disaster response, health care, or private business as designed and deemed necessary or critical for response to the COVID-19 pandemic by their employer or by virtue of their official commission.</li> </ul>	Details the requirements to file a claim.
<b>Massachusetts</b>	<a href="#">HB 4949</a>	Scheduled virtual hearing on Jun. 5, 2020 (Jun. 1, 2020); Reported and referred to the Committee on Labor and Workforce Development (Apr. 6, 2020)	<p>Yes. Clarifies that, in any claim for compensation where the employee has been diagnosed with COVID-19, it will be prima facie evidence that:</p> <ul style="list-style-type: none"> <li>The employee was performing their regular duties at the time of contracting COVID-19;</li> <li>The claim comes within the provisions of the state’s workers’ compensation laws; and</li> <li>Sufficient notice of the injury has been given.</li> </ul>	<ul style="list-style-type: none"> <li>Emergency medical technicians.</li> <li>Emergency room and urgent care medical personnel.</li> <li>Emergency room and urgent care non-medical staff.</li> </ul>	
<b>Michigan</b>	<a href="#">SB 906</a>	Introduced and referred to the Committee on Government Operations (Apr.	Yes. Provides that a “personal injury” (defined as an injury or illness resulting from the emergency first responder’s contraction of COVID-19 during an emergency declared by the governor) is	<ul style="list-style-type: none"> <li>Full-time, part-time, or volunteer law enforcement officers.</li> <li>Full-time, part-time, or volunteer firefighters.</li> <li>State correctional officers.</li> </ul>	Applies to a personal injury that occurs on or after the effective date of Michigan’s state of emergency

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		30, 2020)	<p>presumed to arise out of and in the course of employment in the absence of evidence to the contrary.</p> <ul style="list-style-type: none"> <li>As a condition precedent to filing an application for benefits, a claimant must first apply for and do all things necessary to qualify for any pension benefits to which he or she, or his or her decedent, may be entitled or must demonstrate that he or she, or his or her decedent, is ineligible for any pension benefits.</li> <li>If a final determination is made that pension benefits will not be awarded or that the claimant or his or her decedent is ineligible for any pension benefits, then the presumption designation of “personal injury” applies.</li> </ul>	<ul style="list-style-type: none"> <li>Local corrections officers.</li> <li>Physicians.</li> <li>Respiratory therapists.</li> <li>Emergency medical services personnel.</li> <li>Nurses.</li> </ul>	<p>(Executive Order No. 2020-4.)</p> <p>Addresses other workers’ compensation issues unrelated to COVID-19 and provides guidance for the first responder presumed coverage fund.</p>
<b>Minnesota</b>	<a href="#">HF 4537</a>   <a href="#">SF 4458</a>	<b>ENACTED</b> (Apr. 14, 2020)	<p>Yes. Clarifies that an employee who contracts COVID-19 is presumed to have an occupational disease arising out of and in the course of employment if:</p> <ul style="list-style-type: none"> <li>The employee qualifies as an applicable employee;</li> <li>The employee’s contraction of COVID-19 was confirmed by a positive laboratory test or, if a</li> </ul>	<ul style="list-style-type: none"> <li>Firefighters.</li> <li>Paramedics.</li> <li>Nurse or health care workers, correctional officers, or security counselors employed by the state or a political subdivision at a corrections, detention, or secure treatment facility.</li> <li>Emergency medical technicians.</li> <li>Health care providers, nurses, or</li> </ul>	<p>Requires a copy of the positive laboratory test or the written documentation of the physician’s, PA’s, or APRN’s diagnosis to be provided to the employer or insurer.</p>

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			<p>laboratory test is not available for the employee, as diagnosed and documented by the employee's licensed physician, licensed PA, or licensed APRN, based on the employee's symptoms.</p> <p>Provides that the presumption is only rebuttable if the employer or insurer shows that the employment was not a direct cause of the disease.</p>	<p>assistive employees employed in a health care, home care, or long-term care setting, with direct COVID-19 patient care or ancillary work in COVID-19 patient units.</p> <ul style="list-style-type: none"> <li>Workers required to provide child care to first responders and health care workers under the state executive orders.</li> </ul>	
New Jersey	<a href="#">S.2380</a>	Referred to Assembly Committee on Labor (May 29, 2020); Passed the Senate (May 14, 2020)	Yes. Provides that benefits to individuals suffering injury or illness through the course of their employment (notwithstanding any other law to the contrary), there is a rebuttable presumption that the contraction of COVID-19 by an essential employee is work-related.	<ul style="list-style-type: none"> <li>Employees who are essential in support of gubernatorial or federally declared statewide emergency response and recovery operations.</li> <li>Employees in the public or private sector with duties and responsibilities, the performance of which is essential to the public's health, safety, and welfare.</li> </ul>	<p>Applies both prospectively and retroactively to March 9, 2020.</p> <p>Requires that the amount of time an essential employee is incapacitated or unable to perform their duties as a result of contracting COVID-19, or exposure to the disease or infection and the required time of hospitalization, time of quarantine or time of self-quarantine will be considered as on duty time, and an essential employee will not be required to use paid leave or</p>

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					<p>any other contractual time-off to cover the period of incapacitation or inability to perform regular duty work.</p> <p>This time of incapacitation or inability to perform their duties shall be considered as “emergency hazard health duty.”</p>
	<p><a href="#">AB 3999</a></p>	<p>Introduced in the Assembly; referred to Assembly Committee on Labor (May 4, 2020)</p>	<p>Yes. Provides that for benefits to individuals suffering injury or illness through the course of their employment (notwithstanding any other law to the contrary), there is a rebuttable presumption that the contraction of COVID-19 by an essential employee is work-related.</p>	<ul style="list-style-type: none"> <li>• Employees who are essential in support of gubernatorial or federally declared statewide emergency response and recovery operations.</li> <li>• Employees in the public or private sector with duties and responsibilities, the performance of which is essential to the public's health, safety, and welfare.</li> </ul>	<p>Applies both prospectively and retroactively to March 9, 2020.</p> <p>Requires that the amount of time an essential employee is incapacitated or unable to perform their duties as a result of contracting COVID-19, or exposure to the disease or infection and the required time of hospitalization, time of quarantine or time of self-quarantine will be considered as on duty time, and an</p>

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					<p>essential employee will not be required to use paid leave or any other contractual time-off to cover the period of incapacitation or inability to perform regular duty work.</p> <p>This time of incapacitation or inability to perform their duties shall be considered as “emergency hazard health duty.”</p>
<b>New York</b>	<a href="#">AB 10239</a>	Introduced; referred to the Committee on Governmental Employees (Apr. 8, 2020)	<p>Yes. Provides that any “condition of impairment of health caused by, or naturally and proximately related to, COVID-19, resulting in partial or total disability or death to any member,” where such member is exposed to or comes into contact with COVID-19 and tests positive for COVID-19 will be presumptive evidence that such disability or death:</p> <ul style="list-style-type: none"> <li>• Was the natural and proximate result of an accident not caused by such member’s own willful negligence; and</li> <li>• Was incurred in the performance and discharge of duty, unless the contrary can be proved by competent evidence.</li> </ul>	<ul style="list-style-type: none"> <li>• Members of the New York State Employees’ Retirement System.</li> <li>• Members of the New York State and Local Police and Fire Retirement System.</li> <li>• Members of the Coordinated-escalator Retirement Plan.</li> <li>• Members of the Coordinated Retirement Plan.</li> </ul>	<p>Renders this effective for employees who contract COVID-19 on/after the day following final enactment, with a sunset on May 1, 2021.</p>

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	<a href="#">SB 8117A</a>	Amended and recommitted to the Senate Committee on Local Government (Apr. 8, 2020)	<p>Yes. Declares that if applicable employees are exposed or come into contact with COVID-19 and test positive for COVID-19, it will then be presumptive evidence that any disability or death arising from COVID-19 was</p> <ul style="list-style-type: none"> <li>• Caused by the natural and proximate exposure, not caused by the individual’s own negligence; and</li> <li>• Was incurred in the performance and discharge of duty and proximate result of an accident, unless the contrary can be proven by competent evidence.</li> </ul>	<ul style="list-style-type: none"> <li>• Law enforcement (e.g., sheriff, undersheriff, corrections officers, etc.).</li> <li>• Paid officers or members of an organized fire company or fire department.</li> <li>• Emergency medical technicians, advanced emergency medical technicians, or paramedics.</li> <li>• Probation officers or peace officers employed by the unified court system.</li> <li>• Members of the regional state park police, policy officers employed by other state or local agencies.</li> <li>• Fire inspectors, fire marshals, troopers, trooper investigators, etc.</li> </ul>	Creates a new section of the state’s workers’ compensation law to ensure that all essential employees—at private and public institutions—will have medical treatment covered if they contract COVID-19.
	<a href="#">S 8266</a>	Referred to Senate Committee on Labor (May 1, 2020)	Yes. Amends New York’s workers’ compensation law to include all work that exposes workers to COVID-19 as an “occupational disease.”	<ul style="list-style-type: none"> <li>• Workers in contact with the public, patients, inmates, residents, parolees, clients, students, customers, diners, persons in the custody of the state or any of its political subdivisions, or travelers during an outbreak of the novel coronavirus, COVID-19.</li> <li>• Workers that could be exposed to COVID-19, which includes, work in a hospital, medical facility, laboratory, medical office, nursing home, correctional facility, mental health facility, social services facility, airport, bus station, train station, subway station, park, restaurant, cafeteria, retail facility, airplane, bus, train, subway,</li> </ul>	

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				<p>university, college, school, daycare facility, childcare facility, hotel, resort, casino, convention center, meeting facility or work for a public utility.</p> <ul style="list-style-type: none"> <li>Workers for any businesses deemed to provide essential services during a COVID-19 outbreak.</li> <li>Workers outside the home during a period of closure of non-essential businesses, or public employment during a COVID-19 outbreak.</li> </ul>	
	<p><a href="#">AB 10401</a></p>	<p>Referred to Assembly Committee on Labor (May 4, 2020)</p>	<p>Yes. Amends New York’s workers’ compensation law to include all work that exposes workers to COVID-19 as an “occupational disease.”</p>	<ul style="list-style-type: none"> <li>Workers in contact with the public, patients, inmates, residents, parolees, clients, students, customers, diners, persons in the custody of the state or any of its political subdivisions, or travelers during an outbreak of the novel coronavirus, COVID-19.</li> <li>Workers that could be exposed to COVID-19, which includes, work in a hospital, medical facility, laboratory, medical office, nursing home, correctional facility, mental health facility, social services facility, airport, bus station, train station, subway station, park, restaurant, cafeteria, retail facility, airplane, bus, train, subway, university, college, school, daycare facility, childcare facility, hotel, resort, casino, convention center, meeting facility or work for a public utility.</li> </ul>	

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				<ul style="list-style-type: none"> <li>Workers for any businesses deemed to provide essential services during a COVID-19 outbreak.</li> <li>Workers outside the home during a period of closure of non-essential businesses, or public employment during a COVID-19 outbreak.</li> </ul>	
	<a href="#">AB 10391</a>	Referred to Committee on Local Governments (May 5, 2020)	<p>The employer in whose employment an essential employee is during the COVID-19 outbreak shall be liable for fifty percent of any claim for a qualifying condition that is presumed to be causally related, under this section, to such employment and the state shall be liable for fifty percent of any such claim; provided that such participation arose out of and in the course of such employment. For the purpose of determining which carrier has insurance coverage of such claim, the date of accident shall be considered the last day of such participation.</p>	<ul style="list-style-type: none"> <li>Employees who worked at an essential business during the COVID-19 outbreak beginning January 1, 2020, as defined by Executive Order 202.6 or guidance by Empire State Development, or received a waiver as an essential business from Empire State Development.</li> </ul>	<p>In order for the claim of an essential employee during COVID-19 outbreak, an employee must file a written statement with the board on a form promulgated by the chair indicating the dates and locations of such participation and the name of the participant's employer during the period of participation. Such statement must be filed not later than December 31, 2022. The board shall transmit a copy of such statement to the employer or carrier. The filing of such a statement shall not be considered the filing of a claim.</p>



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					<p>The date of disablement of an essential employee during COVID-19 outbreak resulting from a qualifying condition (ie. tests positive for COVID-19 while working for an essential employer during COVID-19 outbreak) that is causally related to such participation shall be treated as the happening of an “accident.” The board shall determine the date of disablement that is most beneficial to the claimant.</p> <p>The board, upon receiving a statement duly filed from an essential employee during the COVID-19 outbreak for a qualifying condition that was disallowed for failure to register timely, shall reopen and redetermine such claim provided that no such previously</p>

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					<p>disallowed claim for a qualifying condition shall be determined to have a date of disablement that would bar the claim.</p> <p>For persons who participated at an essential entity as volunteers at a non-profit organization providing essential services, the uninsured employers' fund shall be deemed to be the employer for the purposes of administering and paying. Benefits shall be payable to such volunteers in the first instance and to the extent that funds are available. The uninsured employers' fund may pay for volunteers' medical treatment.</p> <p>Compensation for permanent or temporary partial disability, or for permanent or temporary total disability due to</p>

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					disablement resulting from a qualifying condition suffered by an employee who participated in essential operations during the COVID-19 outbreak shall be eighty percent.
North Carolina	<a href="#">HB 1056</a>	Introduced (May 1, 2020)	Yes. Provides that COVID-19 contracted by a covered person shall be presumed to be due to exposure in the course of the covered person’s employment. The presumption may only be rebutted by clear and convincing evidence.	<ul style="list-style-type: none"> <li>• Law enforcement officers.</li> <li>• Jailers.</li> <li>• Prison guards.</li> <li>• Firefighters.</li> <li>• Emergency medical technicians.</li> <li>• Paramedics employed by a State or local government, including a volunteer firefighter.</li> <li>• Health care workers.</li> </ul>	Applies to claims for workers’ compensation benefits filed on or after the date of enactment.
	<a href="#">HB 1057</a>	Introduced (May 1, 2020)	Yes. Provides that COVID-19 contracted by a covered person shall be presumed to be due to exposure in the course of the covered person's employment. The presumption may only be rebutted by clear and convincing evidence.	<ul style="list-style-type: none"> <li>• Law enforcement officers.</li> <li>• Jailers.</li> <li>• Prison guards.</li> <li>• Firefighters.</li> <li>• Emergency medical technicians.</li> <li>• Paramedics employed by a State or local government, including volunteer firefighters.</li> <li>• Health care workers.</li> <li>• Employees required to work during a pandemic for a business declared essential by executive order of the Governor or by order of a local governmental authority,</li> </ul>	Local governmental employees shall be credited by their respective employers for any sick or vacation leave taken by the employee to comply with a quarantine related to exposure to COVID-19.  Effective July 1, 2020, \$5,000,000 from the General

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
				including food service, retail, and other essential personnel.	Fund will be appropriated to the Office of State Human Resources (OSHR), Department of Administration, to settle claims filed by State employees who contract COVID-19 in the course of State employment. These funds shall remain available to pay these State employee claims until December 31, 2020. After that date, OSHR may use these funds to assist State agencies with the settlement of prior outstanding workers' compensation claims.
<b>Ohio</b>	<a href="#">HB 667</a>	Refer to the House Committee on Insurance (May 27, 2020); Introduced (May 20, 2020)	Yes. Creates a presumption that a corrections officer who contracts COVID-19 contracted the disease in the course of employment, unless the contrary is shown by competent evidence.  Provides that COVID-19 contracted by a corrections officer is an occupational disease under Ohio's Workers' Compensation Law.	<ul style="list-style-type: none"> <li>• People employed as a corrections officer by any public or private place used for the confinement of a person charged with or convicted of any crime in Ohio or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in Ohio or another state or under the laws of the United States.</li> </ul>	Effective immediately if passed.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
	<a href="#">HB 668</a>	Refer to the House Committee on Insurance (May 27, 2020); Introduced (May 20, 2020)	<p>Yes. Creates a presumption that COVID-19 contracted by a peace officer, firefighter, or emergency medical worker was contracted in the course of employment, unless the contrary is shown by competent evidence.</p> <p>Provides that COVID-19 contracted by a peace officer, firefighter, or emergency medical worker is an occupational disease under Ohio Workers' Compensation Law.</p>	<ul style="list-style-type: none"> <li>• Peace officers.</li> <li>• Firefighters.</li> <li>• Emergency medical workers.</li> </ul>	Effective immediately if passed.
	<a href="#">HB 633</a>	Referred to Committee on Insurance (May 19, 2020); Introduced (May 13, 2020)	<p>Yes. Creates a presumption, which may be refuted by affirmative evidence, that that COVID-19 contracted by an applicable employee during Ohio's declared emergency was contracted in the course of and arising out of the employee's employment.</p> <p>Provides that COVID-19 contracted by applicable employees is an "occupational disease" under the Ohio Workers' Compensation Law.</p>	<ul style="list-style-type: none"> <li>• Employees of a nursing home or residential care facility.</li> <li>• Employees of a health care facility or location.</li> </ul>	<p>Applies to claims arising during Ohio's declared emergency and during the fourteen-day period after that emergency ends.</p> <p>Effective immediately if passed.</p>
	<a href="#">HB 573</a>	Introduced (Mar. 23, 2020); referred to the House Committee on Insurance (May 5, 2020)	<p>Yes. Provides that COVID-19 contracted by an employee who was required to work outside of their home during the state of emergency declared on March 9, 2020 constitutes a presumption, which may be refuted by affirmative evidence, that COVID-19 was contracted in the course of and</p>	<ul style="list-style-type: none"> <li>• People in the service of the state, or of any county, municipal corporation, township, school district, etc.</li> <li>• Off-duty peace officers.</li> <li>• Off-duty firefighters.</li> <li>• Off-duty first responders, emergency medical technicians,</li> </ul>	Applies <u>only</u> to claims arising during the period of the emergency declared on March 9, 2020 and to claims arising during the 14-day period after that

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
			arising out of the employee’s employment outside of their home.	<p>etc.</p> <ul style="list-style-type: none"> <li>• People in the service of any person, firm, or private corporation.</li> <li>• People who perform labor or provides services pursuant to a construction contract.</li> <li>• People who operate a vehicle or vessel in the performance of services for on behalf of a motor carrier transporting property. <i>See</i> OHIO REV. STAT. § 4123.01.</li> </ul>	emergency ends.
	<a href="#">HB 571</a>	Introduced (Mar. 23, 2020); referred to the House Committee on Insurance (May 5, 2020).	Yes. Provides that COVID-19 contracted by an applicable employee during the emergency declared on March 9, 2020 constitutes a presumption, which may be refuted by affirmative evidence, that COVID-19 was contracted in the course of and arising out of the employee’s employment.	<ul style="list-style-type: none"> <li>• Peace officers.</li> <li>• Firefighters.</li> <li>• Emergency medical workers.</li> </ul>	Applies <u>only</u> to claims arising during the period of the emergency declared on March 9, 2020 and to claims arising during the 14-day period after that emergency ends.
	<a href="#">HB 605</a>	Introduced (Apr. 10, 2020); referred to the House Committee on Insurance (May 5, 2020)	Yes. Provides that COVID-19 contracted by an applicable employee during the emergency declared on March 9, 2020 constitutes a presumption, which may be refuted by affirmative evidence, that COVID-19 was contracted in the course of and arising out of the employee’s employment.	<ul style="list-style-type: none"> <li>• Employees of a retail food establishment.</li> <li>• Employees of a food processing establishment.</li> </ul>	Applies <u>only</u> to claims arising during the period of the emergency declared on March 9, 2020.
<b>Pennsylvania</b>	<a href="#">HB 2396</a>	Introduced; referred to the	Yes. Provides that an individual employed by a life-sustaining business	<ul style="list-style-type: none"> <li>• First responders, including law enforcement officers, firefighters,</li> </ul>	Clarifies that a “life-sustaining business

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
		Committee on Labor and Industry (Apr. 13, 2020)	<p>or occupation who is required to work who contracts, has symptoms of, or is otherwise exposed to an infection disease—including COVID-19 or any other novel virus or infectious disease during the declaration of a disaster emergency, the declaration of an epidemic or a public health emergency by the governor, or a pandemic—which results in a period of hospitalization, quarantine, isolation, or other control measures due to infection or exposure will establish a presumption that the individual’s medical condition or inability to work is work-related hazardous duty.</p> <p>Clarifies that an individual with an established presumption of work-related hazardous duty will be eligible and qualified for workers’ compensation for all medical costs related to infection or exposure.</p>	<p>emergency medical technicians, and other individuals who are considered first responders.</p> <ul style="list-style-type: none"> <li>• Correction officers.</li> <li>• Emergency services dispatchers.</li> <li>• Ambulance drivers.</li> <li>• Retail workers, including restaurant, food services, and grocery store workers; cashiers; and other support staff.</li> <li>• Food and agriculture workers.</li> <li>• Medical, health care, and public health workers, including doctors, nursing professionals, physician assistants, paramedics, and other support staff.</li> <li>• Pharmacists and any cashiers/other support staff.</li> <li>• Home health care workers.</li> <li>• Public utility workers.</li> <li>• Employees of state or local government.</li> <li>• Trash collectors.</li> <li>• Warehouse workers.</li> <li>• Any other individual employed by a “life-sustaining business or occupation” who is required to work during a public health emergency.</li> </ul>	<p>or occupation” is based on the list of businesses or occupations, as designated by the governor, that perform or conduct a range of vital operations, functions, and services that are essential to assisting the state in protecting people and their communities, while ensuring continuity of functions critical and essential to public health and safety.</p>
<b>Rhode Island</b>	<a href="#">HB 8066</a>	Introduced; referred to the Committee on Labor (Jun 23, 2020)	Yes. Creates a presumption that public safety officials or other enumerated employees, including essential state workers, who contract COVID-19 were infected as a result of the performance of their duties.	<ul style="list-style-type: none"> <li>• Police, fire, EMS, and medical facility workers.</li> <li>• Correctional officers.</li> <li>• Dispatchers.</li> <li>• Paramedics.</li> <li>• Pharmacists.</li> </ul>	Prohibits employers from requiring employees to use vacation, sick, personal or other contractually

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
			<p>Defines occupational disease, for the purposes of Rhode Island’s workers’ compensation laws, to include the contraction of COVID-19 during the time period in which the state, federal government or any municipality has declared a state of emergency because of the COVID-19 pandemic.</p>	<ul style="list-style-type: none"> <li>• Pharmaceutical technicians.</li> <li>• Grocery or retail workers.</li> <li>• Essential state and municipal employees.</li> <li>• Public transportation employees.</li> <li>• Parcel and freight delivery employees.</li> <li>• Truck drivers.</li> <li>• Utility workers.</li> </ul>	<p>afforded time if they are incapacitated or unable to perform their duties due to COVID-19.</p> <p>Prohibits any report of injury or claim relative to a disability related to the COVID-19 virus or the identity of any claimant from being reported to the Immigration and Naturalization Service.</p>
<p><b>South Carolina</b></p>	<p><a href="#">H 5482</a></p>	<p>Introduced and referred to House Committee on Judiciary (May 12, 2020)</p>	<p>Yes. Provides that a first responder, health care provider, or correctional officer who is diagnosed with COVID-19 is entitled to the presumption that the diagnosis of COVID-19 arose from and in the course and scope of his employment.</p> <p>Provides that for the purposes of South Carolina Workers’ Compensation Law, first responders, health care providers, and correctional officers are entitled to temporary total disability benefits immediately upon isolation, and lasting until isolation is no longer recommended by a physician, if he:</p> <ul style="list-style-type: none"> <li>• is directed to isolate by his employer due to confirmed or suspected COVID-19 exposure;</li> </ul>	<ul style="list-style-type: none"> <li>• Law enforcement officers.</li> <li>• Firefighters.</li> <li>• Emergency medical technicians.</li> <li>• Paramedics.</li> <li>• Volunteer law enforcement officers, firefighters, emergency medical technicians, or paramedics.</li> <li>• Members of the South Carolina National Guard or the South Carolina State Guard who has been ordered to state duty or state active duty in response to a declared state of emergency or public health emergency.</li> <li>• Health care providers.</li> <li>• Correctional officers.</li> </ul>	<p>Applies both prospectively and retroactively to those who meet the criteria of the bill.</p>



State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
			<ul style="list-style-type: none"> <li>receives a COVID-19 diagnosis from a physician;</li> <li>receives a presumptive positive COVID-19 test; or</li> <li>receives a laboratory-confirmed COVID-19 test.</li> </ul>		
Utah	<a href="#">HB 5006</a>	Introduced; passed House; passed Senate (Jun. 18, 2020); Sent to Governor for signature (Jun. 23, 2020)	<p>Yes. A first responder who claims to have contracted COVID-19 during the performance of the first responder's duties as a first responder, is presumed to have contracted COVID-19 during the course of performing the first responder's duties as a first responder if the first responder is diagnosed with COVID-19:</p> <ul style="list-style-type: none"> <li>while employed or serving as a first responder; or</li> <li>if the first responder's employment or service as a first responder terminates, within two weeks after the day on which the first responder's employment or service terminates.</li> </ul> <p>Provides that the presumption established may be rebutted by a preponderance of the evidence.</p> <p>Requires a first responder who makes a claim to provide written documentation of a COVID-19 diagnosis to the first responder's employer or insurer.</p> <ul style="list-style-type: none"> <li>A first responder who refuses examination for COVID-19 or fails to be diagnosed with COVID-</li> </ul>	<ul style="list-style-type: none"> <li>Health care facility employees.</li> <li>Physician, chiropractor, or dentist office employees.</li> <li>Nursing home employees.</li> <li>Retirement facility employees.</li> <li>Home health care providers.</li> <li>Pharmacy employees.</li> <li>Employees of a facility that performs laboratory or medical testing on human specimens.</li> <li>Employees of entities similar to the entities listed.</li> <li>Individuals employed by, working with, or working at the direction of a local health department.</li> <li>Volunteers providing services to a local health department.</li> </ul>	Moves provisions related to coverage for first responders diagnosed with COVID-19 from the Workers' Compensation Act to the Utah Occupational Disease Act.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
			19 is not entitled to the presumption established under this part.		
	<a href="#">HB 3007</a>	<b>ENACTED</b> (Apr. 22, 2020)	<p>Yes. Provides that a first responder who claims to have contracted COVID-19 during the performance of their duties as a first responder, is presumed to have contracted COVID-19 by accident during the course of performing the first responder’s duties as a first responder if they are diagnosed with COVID-19:</p> <ul style="list-style-type: none"> <li>• On or after March 21, 2020; and</li> <li>• While employed or serving as a first responder or if the first responder’s employment/service as a first responder terminates between March 21, 2020 and May 31, 2020, within two weeks after the day on which the first responder’s employment or service terminates.</li> </ul> <p>Clarifies that an individual will be diagnosed with COVID-19 if the individual:</p> <ul style="list-style-type: none"> <li>• Through laboratory testing of a specimen the individual provides, tests positive for the virus that causes COVID-19; or</li> <li>• Is diagnosed with COVID-19 by a physician.</li> </ul>	<ul style="list-style-type: none"> <li>• Emergency responders.</li> <li>• Health care providers.</li> </ul>	Requires a first responder who makes a claim to provide a copy of the positive laboratory test or the written documentation of a physician’s diagnosis to the first responder’s employer or insurer.
<b>Vermont</b>	<a href="#">SB 342</a>	Referred to the House Committee	Yes. Provides that the disability or death of a front-line worker resulting	<ul style="list-style-type: none"> <li>• Firefighters.</li> <li>• Law enforcement officers.</li> </ul>	Grants the Commissioner of

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
		<p>on Commerce and Economic Development (Apr. 29, 2020)</p> <p>Passed Senate (Apr. 27, 2020)</p>	<p>from COVID-19 will be presumed to be compensable, provided that the front-line worker receives a positive laboratory test or a diagnosis by a licensed healthcare provider for COVID-19 between March 1, 2020 and January 15, 2021.</p> <p><u>For non-front-line workers</u>, provides death or disability may still be presumed compensable, if the employee receives a positive laboratory test or diagnosis for COVID-19 between March 1, 2020 and January 15, 2021 and either:</p> <ul style="list-style-type: none"> <li>• Had documented occupational exposure in the course of employment to an individual with COVID-19; or</li> <li>• Performed services at a residence or facility with residents/employees who (1) were present at the time services were performed and (2) either had COVID-19 at that time or were diagnosed with COVID-19 within a reasonable period of time after the services were performed.</li> </ul> <p>Provides that the presumption of compensability may be rebutted if it is shown by a preponderance of the evidence that the disease was caused by non-employed-related risk factors/exposure.</p>	<ul style="list-style-type: none"> <li>• Ambulance service, emergency medical personnel, first responder service, and volunteer personnel.</li> <li>• Workers in a health care facility or in an institution or office where health care services are provided by licensed healthcare professionals.</li> <li>• Correctional officers.</li> <li>• Workers in a long-term care facility or residential care facility.</li> <li>• Childcare providers that are required to provide childcare to the children of other front-line workers.</li> <li>• Employees of a pharmacy or a grocery store.</li> <li>• Home health care workers or personal care attendants.</li> <li>• Workers performing services that the Commissioner determines place the worker at a similarly elevated risk of being exposed to or contracting COVID-19 as the other occupations listed.</li> </ul>	<p>Labor temporary authority to amend or waive certain requirements and deadlines under the workers' compensation laws.</p>

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
Wisconsin	<a href="#">AB 1038</a>	<b>ENACTED</b> (Apr. 15, 2020)	<p>Yes. Where an injury to an applicable employee is found to be caused by COVID-19 during the public health emergency declared on March 12, 2020—and ending 30 days after the termination of the order—and where the employee has been exposed to persons with confirmed cases of COVID-19 in the course of employment, the injury is presumed to be caused by the individual’s employment.</p> <p>Permits an injury claimed to be rebutted by specific evidence that the injury was caused by exposure to COVID-19 outside of the applicable employee’s work for the employer.</p>	<ul style="list-style-type: none"> <li>Employees of or volunteer for an employer that provide firefighting, law enforcement, or medical treatment of COVID-19, and who have regular, direct contact with, or are regularly in close proximity to, patients or other members of the public requiring emergency services, within the scope of the individual’s work for the employer.</li> </ul>	Requires an injury claim to be accompanied by a specific diagnosis by a physician or by a positive COVID-19 test.
Wyoming	<a href="#">HB 1002</a>   <a href="#">SB 1002</a>	<b>ENACTED</b> (May 20, 2020)	<p>Yes, it creates a partial presumption that the risk of contracting COVID-19 was increased by the nature of the employment for applicable employees.</p>	<ul style="list-style-type: none"> <li>Employees whose employer’s business subjects the employee to extrahazardous duties where the risk of contracting COVID-19 is increased by the nature of the employment.</li> </ul>	<p>Applies to employees infected with COVID-19 starting January 1, 2020 through December 30, 2020.</p> <p>Requires the Workers’ Compensation Division to issue a premium refund.</p> <p>Provides immunity from civil liability in certain circumstances.</p>

