

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 weekly updates documenting any relevant new bills and the current procedural posture of the existing legislation. This week's actions include:

- The Texas House introduced HB 396 which creates a presumption of compensability for nurses who have contracted COVID-19 during employment on or after February 1, 2020 and which results in disability or death.

* 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.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
Alaska	SB 241	ENACTED (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"> • Is an applicable employee; • Is exposed to COVID-19 in the course of their employment; <u>and</u> • Receives a (1) COVID-19 diagnosis by a physician, presumptive positive COVID-19 test result, or (2) laboratory confirmed COVID-19 diagnosis. 	<ul style="list-style-type: none"> • Firefighters. • Emergency medical technicians. • Paramedics. • Peace officers. • Health providers. 	
California	<p>**Non-legislative development</p> <p>EO N-62-20</p>	<u>THE WORKER'S COMPENSATION PRESUMPTION HAS EXPIRED.</u>	<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. Requires that the diagnosis</p>	<ul style="list-style-type: none"> • 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. 	<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> <p>Requires that where</p>

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			<p>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>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</p>

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					<p>publication in the 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>
	AB 664	Amended (Aug. 25, 2020); Passed by Senate Committee on Appropriations (5-0) (Aug. 20, 2020); Amended and re-refer to Senate Committee on Labor, Public Employment and Retirement (L., P.E. & R.) (Jul. 31, 2020); Amended with technical correction and re-referred to the Senate Committee on L., P.E. & R. (May 18, 2020); Passed Assembly (May 13, 2019)	Yes. Creates a disputable presumption the contraction of COVID -19 arose out of and in the course of the employment, if diagnosed on or after January 1, 2020. Requires a claim to be presumed compensable, if not rejected within 30 days.	<ul style="list-style-type: none"> • Active firefighting members (whether volunteers, partly paid, or fully paid of certain fire departments). • Peace officers. • Correctional and law enforcement personnel. • Health care employees who provide direct patient care in an acute care hospital. • Fire and rescue services coordinators who work for the Office of Emergency Services. 	<p>Applies retroactively to injuries that occurred prior to the declaration of California’s state of emergency and until July 1, 2024.</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>

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	SB 1159	ENACTED (Sept. 17, 2020)	<p>Yes. Provides that an “injury,” for the purposes of the state’s workers’ compensation law, defined to include illness or death resulting from COVID-19, is disputably presumed to have arose out of and in the course of the employment.</p> <p>Requires that a claim relating to a COVID-19 illness is presumed compensable after 30 days.</p>	Applies generally to any employee with a COVID-19-related illness whose fellow employees at their place of employment experience specified levels of positive testing, and whose employer has 5 or more employees. through January 1, 2023.	The bill would require an employee to exhaust their paid sick leave benefits and meet specified certification requirements before receiving any temporary disability benefits or, for police officers, firefighters, and other specified employees, a leave of absence.
	SB 893	Failed passage in Senate Committee on Labor, Public Employment and Retirement (0- 2); Reconsideration granted (May 18, 2020)	<p>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.</p> <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>	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.)	<p>Addresses other workers’ compensation issues unrelated to COVID-19.</p> <p>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</p>

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			<ul style="list-style-type: none"> 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. 		of this state.
	AB 196	Ordered to inactive file by unanimous consent (Sept. 1, 2020); Passed by the Senate Committee (5-0) (Aug. 20, 2020); Recommended and re-referred to the Senate Committee on Appropriations (Aug. 12, 2020); Amended to account for COVID-19 in the Senate and re-referred to Senate Committee on Labor, Public Employment and Retirement (May 5,	<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 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>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"> Active firefighting members, 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. Peace officers. 	Applies both prospectively and retroactively to March 1, 2020.

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		2020)		<ul style="list-style-type: none"> Health care employees who provide direct patient care in an acute care hospital. Fire and rescue services coordinators who work for the Office of Emergency Services. 	
Colorado	SB 20-216	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, 2020)	<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"> 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-19 listed as the cause of death on the worker's death certificate. 	<ul style="list-style-type: none"> First responders. Corrections officers Corrections officers working in a facility with an identified covid-19 outbreak. (amended by Committee on Finance June 8, 2020) Medical, health care, and public health workers. Home health care workers. Commercial cleaning workers. Nursing home workers. Utility workers and in-home service technicians. Specified construction or maintenance workers. (removed by Committee on Finance June 8, 2020) Daycare providers working at facility with an identified COVID-19 outbreak. (added by Committee on Finance Jun. 8, 2020) Workers at residential care or residential living facilities. Food processing and agricultural workers. Grocery store workers. (removed by Committee on Finance June 8, 2020) 	This presumption is temporary and applies through June 21, 2022.

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				<ul style="list-style-type: none"> Specified drivers and operators. Airline employees. 	
Illinois	HB 2455	ENACTED (June 5, 2020)	Yes. Creates a rebuttable presumption that an employee’s contraction of COVID-19 arose out of and in the course of the employee’s first responder or frontline worker employment.	<ul style="list-style-type: none"> Police. Fire personnel. Emergency medical technicians. Paramedics. First responders. Health care providers, including nursing homes and rehabilitation facilities and home care workers. Corrections officers. Individuals employed by essential businesses and operations as defined in the Illinois Governor’s Executive Order as long as those individuals are required by their employment to encounter members of the general public or to work in employment locations of more than 15 employees. 	Applies both prospectively and retroactively to March 9, 2020 and expires December 31, 2020.
Kansas	SB 1	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"> Employees whose employment includes contact with or work in proximity to or in the same space as the public or co-workers. 	Applies both prospectively and retroactively to January 1, 2020 and expires May 1, 2021.

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	HB 2018	Died in Committee (Jun. 8, 2020); Referred to Committee on Commerce, Labor and Economic Development (June 4, 2020); Introduced (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"> Employees whose employment includes contact with or work in proximity to or in the same space as the public or co-workers. 	Applies both prospectively and retroactively to January 1, 2020 and expires May 1, 2021.
Louisiana	SB 475	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"> 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. 	Details the requirements to file a claim.
Massachusetts	SD 3005	Introduced and referred to the committee on Rules of the two branches, acting concurrently (Jul. 23, 2020)	Yes. Provides that the department of industrial accidents shall ensure that workers’ compensation benefits are mandated for workers who become sick with COVID-19 as a result of workplace exposure, using a conclusive presumption.	<ul style="list-style-type: none"> Workers who become sick with COVID-19. 	
	HD 5181	Referred to Committee on Joint	Yes. Provides that the department of industrial accidents shall ensure that	<ul style="list-style-type: none"> Workers who become sick with 	

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		Rules (Sept. 24, 2020); Referred to the Committee on House Rules (Jul. 27, 2020); Introduced (Jul. 13, 2020)	workers' compensation benefits are mandated for workers who become sick with COVID-19 as a result of workplace exposure, using a conclusive presumption.	COVID-19.	
	HB 4949 / HB 4749	Scheduled virtual hearing on Jun. 5, 2020 (Jun. 1, 2020); Reported and referred to the Committee on Labor and Workforce Development (Apr. 6, 2020)	Yes. Clarifies that, in any claim for compensation where the employee has been diagnosed with COVID-19, it will be prima facie evidence that: <ul style="list-style-type: none"> • The employee was performing their regular duties at the time of contracting COVID-19; • The claim comes within the provisions of the state's workers' compensation laws; and • Sufficient notice of the injury has been given. 	<ul style="list-style-type: none"> • Emergency medical technicians. • Emergency room and urgent care medical personnel. • Emergency room and urgent care non-medical staff. 	
	S 2732	Scheduled virtual hearing on Jun. 15, 2020 in Joint Committee (Jun. 12, 2020);	Yes. Creates a presumption that employees of Massachusetts or its political subdivisions who are required to work during the state's state of emergency who contract, have symptoms of or otherwise becomes affected with the COVID-19, that results in a period of hospitalization, quarantine, or require self-quarantined measures as a result of being infected or coming into contact with someone who is infected with this virus, shall have their medical condition or incapacity to work presumed to be	<ul style="list-style-type: none"> • Public employees. 	

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			work-related.		
Michigan	SB 906	Introduced and referred to the Committee on Government Operations (Apr. 30, 2020)	<p>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 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"> 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. 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. 	<ul style="list-style-type: none"> Full-time, part-time, or volunteer law enforcement officers. Full-time, part-time, or volunteer firefighters. State correctional officers. Local corrections officers. Physicians. Respiratory therapists. Emergency medical services personnel. Nurses. 	<p>Applies to a personal injury that occurs on or after the effective date of Michigan’s state of emergency (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>
Minnesota	SF 16 / HF 6	Introduced in both the House and	Creates a rebuttable presumption that teachers, school administrators and	<ul style="list-style-type: none"> Teachers or school administrators employed by a school district, 	Applies retroactively for employees who

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		Senate; referred to the Senate Committee on Rules and Administration; referred to the House Committee on Labor (Oct. 12, 2020)	other employees who provide student-related services who contract COVID-19 are presumed to have an occupational disease arising out of and in the course of employment.	<ul style="list-style-type: none"> charter school, or nonpublic school. Contract employees that provides student-related services throughout the school year to a school district, charter school, or nonpublic school, including paraprofessionals, student support services personnel, school bus drivers, school nutrition staff, and custodial staff. Any other person employed by the school district, charter school, or nonpublic school or providing services to students under a contract with the school district, charter school, or nonpublic schools. 	contracted COVID-19 on or after July 15, 2020 and prospectively until July 30, 2021.
	HF 4537 SF 4458	ENACTED (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"> The employee qualifies as an applicable employee; The employee's contraction of COVID-19 was confirmed by a positive laboratory test or, if a 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 	<ul style="list-style-type: none"> Firefighters. Paramedics. 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. Emergency medical technicians. Health care providers, nurses, or 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. 	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.

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			<p>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>	<ul style="list-style-type: none"> Workers required to provide child care to first responders and health care workers under the state executive orders. 	
New Jersey	S 2380/AB 3999	ENACTED (Sept. 14, 2020)	<p>Yes. Provides that during the public health emergency declared by the New Jersey Governor and any extension of the order, there shall be a rebuttable presumption that the contraction of COVID-19 is work-related and fully compensable for essential employees.</p> <p>Employee must be working in a place of employment other than their own residence.</p>	<ul style="list-style-type: none"> Public safety workers or first responders, including any fire, police or other emergency responders. Workers involved in providing medical and other healthcare services, emergency transportation, social services, and other care services, including services provided in health care facilities, residential facilities, or homes. Workers who perform functions which involve physical proximity to members of the public and are essential to the public's health, safety, and welfare, including transportation services, hotel and other residential services, financial services, and the production, preparation, storage, sale, and distribution of essential goods such as food, beverages, medicine, fuel, and supplies for conducting essential business and work at home. Any other employees who are deemed essential employees by the public authority declaring the state of emergency. 	Applies both prospectively and retroactively to March 9, 2020.

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New York	AB 10239	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"> • Was the natural and proximate result of an accident not caused by such member’s own willful negligence; <u>and</u> • Was incurred in the performance and discharge of duty, unless the contrary can be proved by competent evidence. 	<ul style="list-style-type: none"> • Members of the New York State Employees’ Retirement System. • Members of the New York State and Local Police and Fire Retirement System. • Members of the Coordinated-escalator Retirement Plan. • Members of the Coordinated Retirement Plan. 	Renders this effective for employees who contract COVID-19 on/after the day following final enactment, with a sunset on May 1, 2021.
	SB 8117A	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"> • Caused by the natural and proximate exposure, not caused by the individual’s own negligence; and • Was incurred in the performance and discharge of duty and proximate result of an accident, unless the contrary can be proven by competent evidence. 	<ul style="list-style-type: none"> • Law enforcement (e.g., sheriff, undersheriff, corrections officers, etc.). • Paid officers or members of an organized fire company or fire department. • Emergency medical technicians, advanced emergency medical technicians, or paramedics. • Probation officers or peace officers employed by the unified court system. • Members of the regional state park police, policy officers employed by other state or local agencies. 	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.

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				<ul style="list-style-type: none"> • Fire inspectors, fire marshals, troopers, trooper investigators, etc. 	
	S 8266	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"> • 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. • 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. • Workers for any businesses deemed to provide essential services during a COVID-19 outbreak. • Workers outside the home during a period of closure of non-essential businesses, or public employment during a COVID-19 	

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				outbreak.	
	AB 10401	Referred to Assembly Committee on Labor (May 4, 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"> 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. 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. Workers for any businesses deemed to provide essential services during a COVID-19 outbreak. Workers outside the home during a period of closure of non-essential businesses, or public employment during a COVID-19 outbreak. 	

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North Carolina	HB 1056	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"> • Law enforcement officers. • Jailers. • Prison guards. • Firefighters. • Emergency medical technicians. • Paramedics employed by a State or local government, including a volunteer firefighter. • Health care workers. 	Applies to claims for workers' compensation benefits filed on or after the date of enactment.
	HB 1057	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"> • Law enforcement officers. • Jailers. • Prison guards. • Firefighters. • Emergency medical technicians. • Paramedics employed by a State or local government, including volunteer firefighters. • Health care workers. • 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, including food service, retail, and other essential personnel. 	<p>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.</p> <p>Effective July 1, 2020, \$5,000,000 from the General 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</p>

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					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.
Ohio	HB 667	Refer to the House Committee on Insurance (May 27, 2020); Introduced (May 20, 2020)	<p>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.</p> <p>Provides that COVID-19 contracted by a corrections officer is an occupational disease under Ohio's Workers' Compensation Law.</p>	<ul style="list-style-type: none"> • 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. 	Effective immediately if passed.
	HB 668	Refer to the House Committee on Insurance (May 27, 2020); Introduced (May 20, 2020)	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	<ul style="list-style-type: none"> • Peace officers. • Firefighters. • Emergency medical workers. 	Effective immediately if passed.

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			evidence. Provides that COVID-19 contracted by a peace officer, firefighter, or emergency medical worker is an occupational disease under Ohio Workers' Compensation Law.		
	HB 633	Referred to Committee on Insurance (May 19, 2020); Introduced (May 13, 2020)	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. Provides that COVID-19 contracted by applicable employees is an "occupational disease" under the Ohio Workers' Compensation Law.	<ul style="list-style-type: none"> • Employees of a nursing home or residential care facility. • Employees of a health care facility or location. 	Applies to claims arising during Ohio's declared emergency and during the fourteen-day period after that emergency ends. Effective immediately if passed.
	HB 573	Introduced (Mar. 23, 2020); referred to the House Committee on Insurance (May 5, 2020)	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 arising out of the employee's employment outside of their home.	<ul style="list-style-type: none"> • People in the service of the state, or of any county, municipal corporation, township, school district, etc. • Off-duty peace officers. • Off-duty firefighters. • Off-duty first responders, emergency medical technicians, etc. • People in the service of any person, firm, or private corporation. • People who perform labor or provides services pursuant to a 	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.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
				<p>construction contract.</p> <ul style="list-style-type: none"> • 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. 	
	HB 571	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"> • Peace officers. • Firefighters. • Emergency medical workers. 	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.
	HB 605	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"> • Employees of a retail food establishment. • Employees of a food processing establishment. 	Applies <u>only</u> to claims arising during the period of the emergency declared on March 9, 2020.
Pennsylvania	HB 2396	Introduced; referred to the Committee on Labor and Industry (Apr. 13, 2020)	Yes. Provides that an individual employed by a life-sustaining business 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	<ul style="list-style-type: none"> • First responders, including law enforcement officers, firefighters, emergency medical technicians, and other individuals who are considered first responders. • Correction officers. • Emergency services dispatchers. • Ambulance drivers. 	Clarifies that a “life-sustaining business or occupation” is based on the list of businesses or occupations, as designated by the governor, that perform or conduct a

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			<p>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>	<ul style="list-style-type: none"> • Retail workers, including restaurant, food services, and grocery store workers; cashiers; and other support staff. • Food and agriculture workers. • Medical, health care, and public health workers, including doctors, nursing professionals, physician assistants, paramedics, and other support staff. • Pharmacists and any cashiers/other support staff. • Home health care workers. • Public utility workers. • Employees of state or local government. • Trash collectors. • Warehouse workers. • Any other individual employed by a “life-sustaining business or occupation” who is required to work during a public health emergency. 	<p>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>
Rhode Island	HB 8066	Introduced; referred to the Committee on Labor (Jun 23, 2020)	<p>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.</p> <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</p>	<ul style="list-style-type: none"> • Police, fire, EMS, and medical facility workers. • Correctional officers. • Dispatchers. • Paramedics. • Pharmacists. • Pharmaceutical technicians. • Grocery or retail workers. • Essential state and municipal employees. • Public transportation employees. • Parcel and freight delivery 	<p>Prohibits employers from requiring employees to use vacation, sick, personal or other contractually afforded time if they are incapacitated or unable to perform their duties due to COVID-19.</p>

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			government or any municipality has declared a state of emergency because of the COVID-19 pandemic.	<p>employees.</p> <ul style="list-style-type: none"> • Truck drivers. • Utility workers. 	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.
South Carolina	H 5482	Introduced and referred to House Committee on Judiciary (May 12, 2020)	<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"> • is directed to isolate by his employer due to confirmed or suspected COVID-19 exposure; • receives a COVID-19 diagnosis from a physician; • receives a presumptive positive COVID-19 test; or • receives a laboratory-confirmed 	<ul style="list-style-type: none"> • Law enforcement officers. • Firefighters. • Emergency medical technicians. • Paramedics. • Volunteer law enforcement officers, firefighters, emergency medical technicians, or paramedics. • 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. • Health care providers. • Correctional officers. 	Applies both prospectively and retroactively to those who meet the criteria of the bill.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
			COVID-19 test.		
Tennessee	SB 8007/ HB 8008	Introduced in the House; Failed in Senate Commerce and Labor Committee (Aug. 11, 2020); Introduced in Senate (Aug. 10, 2020)	Yes. An employee who contracts COVID-19 is presumed to have an occupational disease (defined to include COVID-19) arising out of and in the course of employment if ten or more employees at the same location have contracted COVID-19 or if the employee is an essential worker. <ul style="list-style-type: none"> The presumption may be rebutted if the employer or insurer demonstrates, by clear and convincing evidence, that the employee's contraction of COVID-19 did not arise out of or in the course of the employee's employment. 	<ul style="list-style-type: none"> Essential workers. Employees working in a workplace where ten or more employees at the same location have contracted COVID-19. 	
Texas	HB 396	Introduced (Nov. 12, 2020)	Yes. Creates a presumption of compensability for nurses who have contracted COVID-19 during employment on or after February 1, 2020 and which results in disability or death.	<ul style="list-style-type: none"> Nurses. 	
Utah	HB 5006	ENACTED (Jun. 25, 2020).	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:	<ul style="list-style-type: none"> Health care facility employees. Physician, chiropractor, or dentist office employees. Nursing home employees. Retirement facility employees. Home health care providers. Pharmacy employees. Employees of a facility that 	Moves provisions related to coverage for first responders diagnosed with COVID-19 from the Workers' Compensation Act to the Utah Occupational

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			<ul style="list-style-type: none"> while employed or serving as a first responder; or 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. <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"> A first responder who refuses examination for COVID-19 or fails to be diagnosed with COVID-19 is not entitled to the presumption established under this part. 	<p>performs laboratory or medical testing on human specimens.</p> <ul style="list-style-type: none"> Employees of entities similar to the entities listed. Individuals employed by, working with, or working at the direction of a local health department. Volunteers providing services to a local health department. 	Disease Act.
	HB 3007	ENACTED (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"> On or after March 21, 2020; <u>and</u> While employed or serving as a 	<ul style="list-style-type: none"> Emergency responders. Health care providers. 	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

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			<p>first responder <u>or</u> 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.</p> <p>Clarifies that an individual will be diagnosed with COVID-19 if the individual:</p> <ul style="list-style-type: none"> • Through laboratory testing of a specimen the individual provides, tests positive for the virus that causes COVID-19; or • Is diagnosed with COVID-19 by a physician. 		employer or insurer.
Vermont	SB 342	ENACTED (Jul. 13, 2020)	<p>Yes. Provides that, for the purposes of the state’s worker’s compensation laws, disability or death of a front-line worker resulting 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</p>	<ul style="list-style-type: none"> • Firefighters. • Law enforcement officers. • Ambulance service, emergency medical personnel, first responder service, and volunteer personnel. • Workers in a health care facility or in an institution or office where health care services are provided by licensed healthcare professionals. • Correctional officers. • Workers in a long-term care facility or residential care facility. • Childcare providers that are required to provide childcare to the children of other front-line workers. • Employees of a pharmacy or a 	Grants the Commissioner of Labor temporary authority to amend or waive certain requirements and deadlines under the workers’ compensation laws.

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			<p>and January 15, 2021 <u>and</u> either:</p> <ul style="list-style-type: none"> • Had documented occupational exposure in the course of employment to an individual with COVID-19; <u>or</u> • Performed services at a residence or facility with residents/employees who (1) were present at the time services were performed <u>and</u> (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. <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>	<p>grocery store.</p> <ul style="list-style-type: none"> • Home health care workers or personal care attendants. • 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. 	
Virginia	SB 5066	Introduced and referred to Senate Committee on Commerce and Labor (Aug. 17, 2020); Committee on Commerce and Labor incorporated language from SB 5022, SB 5097 and SB 5104 and referred to the Senate Committee on Finance and Appropriations	Yes. Establishes a presumption the death or disability of firefighters, law-enforcement officers, first responders, health care providers, and correctional officers from COVID-19 is an occupational disease compensable under the Workers' Compensation Act.	<ul style="list-style-type: none"> • Firefighters. • Law-enforcement officers. • First responders. • Health care providers. • Correctional officers. 	Applies both prospectively and retroactively to January 1, 2020.

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		(Aug. 19, 2020)			
	SB 5028	Referred to the Committee on Finance and Appropriations (Sept. 16, 2020); Referred to the Senate Committee on Commerce and Labor (Sept. 9, 2020); Passed the House (Sept. 4, 2020)	Yes. Establishes a presumption that the death or disability of firefighters, law-enforcement officers, first responders, health care providers and school board employees from COVID-19 is an occupational disease compensable under the Workers' Compensation Act.	<ul style="list-style-type: none"> • Firefighters. • Law-enforcement officers. • First responders. • Health care providers. • School board employees. 	Applies both prospectively and retroactively to January 1, 2020.
Wisconsin	AB 1038	ENACTED (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"> • 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. 	Requires an injury claim to be accompanied by a specific diagnosis by a physician or by a positive COVID-19 test.
Wyoming	HB 1002	ENACTED (May	Yes, it creates a partial presumption that the risk of contracting COVID-19	<ul style="list-style-type: none"> • Employees whose employer's business subjects the employee to 	Applies to employees infected

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	SB 1002	20, 2020)	was increased by the nature of the employment for applicable employees.	extrahazardous duties where the risk of contracting COVID-19 is increased by the nature of the employment.	<p>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>