

Workers' Compensation Occupational Disease Tracking*

Updated as of 9/18/2020

State	State Stance On Workers' Compensation Occupational Disease	State Order/Link	Status of Legislation
Alabama			
Alaska	<p>Lawmakers in Alaska have fast-tracked a comprehensive coronavirus-related bill that would in part grant workers compensation benefits to first responders and health care providers presumably exposed to COVID-19.</p> <p>S.B. 241, introduced on March 22 by the state Senate Rules Committee and sent to the governor's office Saturday, covers a range of changes to state law as a follow-up to Gov. Mike Dunleavy's March 11 declaration of public health disaster emergency.</p> <p>The bill states that "an employee who contracts the novel coronavirus disease (COVID-19) is conclusively presumed to have contracted an occupational disease arising out of and in the course of employment (if the worker) is employed as a firefighter, emergency medical technician, paramedic, peace officer, or health care provider (and) is exposed to COVID-19 in the course of employment" and is diagnosed by a physician by way of either a "presumptive positive COVID-19 test result" or a "laboratory-confirmed COVID-19 diagnosis."</p> <p>WCD Bulletin 20-05 COVID-19 Virus Guidance-Presumption of Compensability for Emergency Response and Health Care Employees.</p>	<p>Bulletin 20-05 (Retroactive to March 11, 2020)</p>	<p>SB 241 Enacted on April 9, 2020</p>
Arizona	<p>Workers' compensation insurance carriers, self-insured employers, the Special Fund, and authorized claims processing representatives administering Arizona workers'</p>	<p>SPS COVID-19 FINAL</p>	

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	compensation claims may not categorically deny COVID-19 claims.		
Arkansas	<p>This order takes a different tack than some workers' comp and COVID-related bills and orders you may have seen in other states, in that it doesn't mandate coverage or create a presumption of coverage. Rather, it suspends some limitations on coverage that could preclude any successful workers' comp claims for COVID. The order expires at the end of the state of emergency and is limited to "first responders and front-line health care workers."</p> <p>UPDATE: The revised order takes a different tack than some workers' comp and COVID-related bills and orders from other states, in that it does not attempt to mandate coverage or create a presumption of coverage. Rather, it suspends some limitations on coverage that could preclude successful workers' comp claims for COVID. It also requires claimants to "demonstrate a causal connection, as required by law" between their diagnosis and work-related exposure. The order expires at the end of the state of emergency.</p> <p>The initial order was limited to "first responders and front-line health care workers," without defining such workers. The second order provides more specificity on the types of workers included in these categories, includes Arkansas National Guard soldiers and airmen on state active duty, and—perhaps more problematically—allows the Arkansas Workers' Compensation Commission to include other personnel that the commission concludes should fall within these categories. See items 4 and 5 on the linked order.</p>	<p>EO 20-19</p> <p>EO 20-22</p>	Effective until expiration of emergency declaration.
California Pending Legislation	Governor has signed an EO providing a rebuttable presumption for all employees working outside of the home at the direction of employer through July 6, 2020.	<p>AB 664</p> <p>SB 1159</p> <p>AB 196</p>	<p>AB 664 pending in Labor.</p> <p>SB1159- Passed Senate 6/29/2020, Assugbed to Assembly Insurance Committee.</p> <p>AB 196- pending in Labor.</p>

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	Legislature are working on separate proposals that will provide a presumption for essential workers and 1st responders and healthcare workers.	SB 893	SB 893- failed passage in Labor.
Colorado <i>Legislation Died</i>	The state fund (Pinnacol), labor, claimants' bar, and self-insurers are negotiating a potential bill creating a rebuttable presumption that certain types of employees who contracted COVID-19 did so while on the job and are therefore eligible for workers' compensation benefits.	Draft WC Presumption Bill SB 216	Pending in Senate Finance. Hearing has not been noticed.
Connecticut	<p>Governor Lamont stated that essential workers are vital during this crisis and that working them into the workers compensation system is something they are working to accomplish. The Governor acknowledged that his team has been working on this issue, but to-date has not received any recommendations. According to the Hartford Courant, the union leaders are seeking a presumption to cover "grocery store workers, corrections and police officers, public transit workers and health care workers, among others.</p> <p>A Special Session could be held in September. If it does, Labor and Insurance Committee Chairmen will likely be seek to advance a bill that will provide a presumption from March until May 2020.</p>	Article -Unions and Lawmakers Seek Work Comp Presumption	
Delaware			
District of Columbia			
Florida	Section 440.151, F.S. speaks to occupational diseases and OIR issued the attached guidance. OIR intention is to provide a short summation of how current law relates to COVID-19 (the statute excludes "ordinary diseases of life" unless the incidence of disease is higher for that trade or occupation, subject to major contributing cause analysis, etc.).	440.151, F.S. OIR-20-05 FL 59148 CFO Directive 2020-05	Effective
Georgia			
Hawaii			

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Idaho			
Illinois <i>Enacted Legislation</i>	<p>Illinois Workers' Compensation Commission's Emergency Order to be enacted on April 16, 2020 withdrawn. IWCC Committee and legislation may provide presumption proposals.</p> <p>HB 2455, if approved, will provide a workers' compensation COVID-19 rebuttable presumption for first responders and essential workers (as defined in the amended bill proposal).</p>	<p>IWCC Emergency Rule Effective April 16, 2020</p> <p>Illinois Executive Order 2020-10</p> <p>Illinois Business Coalition Complaint vs IWCC</p> <p>Amicus Brief in Support of Emergency Rule Challenge</p> <p>Temporary Restraining Order</p> <p>SB 471</p> <p>HB2455</p>	HB 2455 enacted on June 5, 2020
Indiana	The Indiana Workers' Compensation Board posted a notice on COVID-19 coverage and advises how employers/insurance carriers should treat the subject. The IWCB will adjudicate such decisions in case of dispute.	IWCB Advisory and Clarification for COVID-19 Coverage	
Iowa			
Kansas			
Kentucky	<p>Executive Order:</p> <p>KY Gov. Beshear issued Executive Order 2020-277, imposing workers' compensation coverage requirements related to COVID-19. The order includes the following:</p> <p>An employee removed from normal work by a physician due to occupational exposure to COVID-19 is entitled to temporary total disability payments during the period of removal even if the claim is later denied;</p> <p>The order defines the term occupational to require a causal connection between working conditions and COVID-19;</p> <p>The TTD payments shall be due from the first day the employee is removed from work;</p> <p>A presumption that COVID-19 is the cause of removal from work is created for a list of workers; and</p> <p>Payment of benefits pursuant to the order does not waive the employer and/or insurer's right to contest liability for the claim or other benefits.</p>	Executive Order 2020-277 guidance	

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	<p>The order is effective immediately and for the duration of the state of emergency declared pursuant to Executive Order 2020-215 or until it is rescinded.</p> <p>DWC Guidance:</p> <p>KY’s Department of Workers’ Claims issued interpretive guidance on April 15 regarding the Governor’s Executive Order 2020-277, which created workers’ temporary total disability compensation coverage requirements related to COVID-19.</p> <p>This guidance provides important clarification, including prospective application of the order beginning on April 9, applicable offsets, no extension to workers not covered under Kentucky’s Workers’ Compensation Act, claim denial bases, and claims adjustment when a presumption is inapplicable.</p> <p>Please see the linked Guidance for full information.</p>		
<p>Louisiana Pending Legislation</p>	<p>Creates a rebuttal presumption for COVID-19 as an occupational disease compensable under workers’ compensation coverage.</p>	<p>SB 475 HB 793</p>	<p>Introduced; Legislature recessed indefinitely.</p>
<p>Maine</p>			
<p>Maryland</p>			
<p>Massachusetts Pending Legislation</p>	<p>If enacted, these bills would create a presumption for public safety/first responders who contract C-19.</p> <p>The Boston City Council plans to hold a hearing on a presumption for COVID19 for frontline workers. We believe this is more information gathering hearing and do not believe the City has the authority to act on it.</p>	<p>H 4611 S 2602</p>	<p>The Public Safety and Homeland Security Committee held a public hearing for both bills for Monday April 6.</p> <p>7/16 - Bill reported favorably by committee and referred to the committee on House Ways and Means</p>
<p>Michigan Pending Legislation</p>	<p>“First response employee” includes police officers, fire and emergency medical responders, hospital workers, and others as defined in state statute as provided by rule.</p> <p>HB 5743 defines a personal injury for an emergency first responder to include exposure to an infectious</p>	<p>MI Rules on COVID-19 Coverage HB 5743 HB 5758 SB 906 SB 928 SB 1019</p>	<p>All legislation has been introduced and referred to a committee. No further consideration.</p>

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	<p>disease. Defines emergency first responder.</p> <p>SB 906 and HB 5758 Infectious disease presumption for first responders, health care workers and essential employees during a declared emergency.</p> <p>SB 928 would provide an infectious disease presumption for essential employees during a declared emergency.</p> <p>SB 1019 would create liability immunity for employers who follow federal and state guidelines when reopening while implementing safety protocols.</p> <p>EO 2020-128 grants a COVID-19 presumption to “COVID-19 Response” workers.</p> <p>HB 6040 is a bill that would create a presumption that essential workers who contract COVID-19 contracted the illness at work. The bill broadly defines essential workers as those employees whose employers require them to work outside of their homes.</p>	<p>HB 6040</p> <p>EO 2020-128</p>	
<p>Minnesota Enacted Legislation</p>	<p>Legislation approved that provides a COVID-19 presumption for first responders and health care workers.</p>	<p>HF 4537</p> <p>HF 4515</p> <p>SF 4425</p> <p>OD Language April 5, 2020</p> <p>SF 4130</p>	<p>HF 4537 Enacted</p> <p>HF 4515 and SF 4425 did not receive legislative consideration.</p> <p>SF 4130 Laid on the table. Had been amended to include COVID-19 issues. Originally Workers’ Compensation Advisory Council 2020 recommendations.</p>
Mississippi			
Missouri	<p>First responder presumption granted through rule.</p>	<p>Emergency Rule COVID-19 Presumption for First Responders</p>	
Montana			
Nebraska			
Nevada			
New Hampshire	<p>Governor Christopher Sununu issued Emergency Order 2020-05 ensuring Workers’ Compensation coverage for first responders exposed to COVID-</p>	<p>NH Emergency Order 2020-05</p>	

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	19. This is effective immediately for duration of the State of Emergency.		
New Jersey Pending Legislation	The Senate President introduced S2380 - a workers' compensation presumption bill for COVID-19 related claims. It would apply the presumption to all workers deemed essential during the pandemic and who become sick. This proposal is backed by the AFL/CIO.	Article SB 2380 AB 3999	SB 2380 – Passed Senate (5/14/20) AB 3999 – Committee Hearing has yet to be held. This speaks to the appetite of Assembly leadership to consider this bill.
New Mexico	In processing or responding to workers' compensation claims as an employer or an insurer, I direct all state executive agencies to employ a presumption that certain agency employees and eligible volunteers who contracted COVID-19 suffered a compensable occupational disease under the New Mexico Occupational Disease Disablement Law. The presumption should be applied to all agency employees and eligible volunteers who contract COVID-19 within two weeks of providing direct assistance or care to COVID-19 patients, or within two weeks of working in any capacity inside a facility that provides direct assistance, care, or housing to COVID-19 patients. As used in this Order, the term "eligible volunteer" means any volunteer or contractor temporarily assisting the State during the COVID-19 public health emergency who is otherwise eligible for compensation under the New Mexico Occupational Disease Disablement Law.	EXECUTIVE ORDER 2020-025	
New York Pending Legislation	The AFL-CIO was pushing to amend the state budget to make Covid-19 a “presumptive occupational disease” for a host of occupations that provide essential services. That means the employee would not have to prove where they got the illness to have a viable claim; it would be presumed the illness was simply from being on the job. The State Rating Board estimates that the proposal could exceed \$31B in costs to the workers' compensation system. The president of the state AFL-CIO, said "The very least we can do is prevent insurance companies from fleecing these essential workers and their families,	AB 10391 / SB 8117A AB 10172 / SB 8041A AB 10401 / SB 8266	The Budget was finalized without inclusion of this concept. All bills are in their respective Senate or Assembly Committee

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	<p>should they become ill or die while working for the benefit of us all.”</p> <p>AB 10172 / SB 8041A - Amends the Volunteer Firefighters’ Benefit Law and the Volunteer Ambulance Workers’ Benefit Law, in Relation to COVID-19.</p> <p>AB 10391 / SB 8117A - Relates to Presumption Regarding Impairment of Health Caused by COVID-19 and in Relation to Sick Leave; Amends the Workers Compensation Law, in Relation to Workers Compensation Coverage and Benefits for Employees Who Participated in Essential Services During the COVID-19 Outbreak.</p> <p>AB 10401 / SB 8266 - Amends the Workers’ Compensation Law, in Relation to Including Exposure to Novel Coronavirus, COVID-19 as an Occupational Disease.</p>		
<p>North Carolina</p> <p>Pending Legislation</p>	<p>HB 1057</p> <p>Changes Presumption</p> <p>Changes beyond first responders/healthcare</p> <p>HB 1057 provides that a pandemic infection 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.</p> <p>A covered person means:</p> <ul style="list-style-type: none"> • A law enforcement officer, jailer, prison guard, firefighter, or an emergency medical technician or paramedic employed by a State or local governmental employer, including certain volunteer firefighters, • A health care worker, or • An employee 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>HB 1057</p> <p>HB 1056</p>	<p>Adjourned until September 2nd; will return only to address COVID-19 funding and appointment bills; these bills should be dead for 2020.</p> <p>HB 1057 Filed May 1 Referred to House Committee on Health</p> <p>HB 1056 Filed May 1 Referred to House Committee on Health</p>

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	<p>This bill also makes an appropriation from the General Fund of five million dollars to settle claims filed by State employees who contract the coronavirus in the course of State employment and provides that certain 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 the coronavirus.</p> <p>HB 1056</p> <p>Changes presumption</p> <p>Does not go beyond first responders/healthcare</p> <p>This bill provides that a coronavirus infection 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.</p> <p>Covered persons include: law enforcement officers, jailers, prison guards, firefighters, emergency medical technicians, or paramedics employed by a State or local government, including certain volunteer firefighters, and health care workers.</p>		
<p>North Dakota</p>	<p>Gov. Doug Burgum today signed an executive order extending worker's compensation coverage to first responders and health care providers who contract COVID-19 on the job.</p> <p>North Dakota's worker's compensation law currently does not cover viruses such as COVID-19, the disease caused by the novel coronavirus. The law also isn't structured to provide benefits for first responders and health care providers who are instructed to quarantine themselves away from work before a positive test confirms transmission.</p> <p>"The environment these workers face today significantly increases their direct exposure to COVID-19,"</p>	<p>Executive Order 2020-12</p> <p>Executive Order 2020-12.1</p> <p>Executive Order 2020-12.2</p>	<p>EO 2020-12 Effective March 13, 2020 until duration of State of Emergency</p> <p>EO 2020-12.1 Effective April 16, 2020 until duration of State of Emergency</p> <p>EO 2020-12.2 Effective July 1, 2020 until duration of State of Emergency</p>

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Burgum said. “The scope of this order is broad and is intended to cover firefighters, law enforcement, ambulance service providers, medical service providers, and volunteer first responders and medical service providers – all critical in the fight against this virus.”

Today’s executive order also provides up to 14 days of medical and wage replacement benefits if first responders and health care providers are quarantined. No benefits will be paid after the quarantine period has ended unless the employee tests positive for COVID-19. If the virus is contracted on the job, the employee becomes eligible for full workers’ compensation benefits just like any other compensable work injury claim.

“While most workers’ compensation carriers are providing coverage for health care providers during this pandemic, North Dakota is going above and beyond to take care of its workers by providing coverage to health care providers, firefighters, law enforcement, and volunteers,” said Bryan Klipfel, director of North Dakota Workforce Safety & Insurance (WSI), the state’s worker’s compensation agency, and interim executive director of Job Service North Dakota.

An estimated 80,000 workers will be covered under the executive order, including:

- 64,046 paid medical providers, including nursing home workers
- 1,101 paid firefighters
- 7,714 volunteer firefighters
- 5,907 paid law enforcement personnel, including correctional officers
- 873 volunteer ambulance personnel.

Coverage is available beginning March 13, 2020, the date that Burgum declared a state of

	<p>emergency in North Dakota for the COVID-19 public health crisis.</p> <p>NORTH DAKOTA – Governor Doug Burgum issued Executive Order 2020-12.1 that extends eligibility for workers’ compensation benefits to funeral directors and other individuals employed in funeral homes, who provide for the care, removal and final disposition of the deceased, provided that any funeral director or employee who test positive for COVID-19 demonstrate the virus resulted from exposure to a deceased individual who tested positive for COVID-19.</p> <p>This order became effective on April 16th and will remain in effect for the duration of the declared State of Emergency.</p> <p>Governor Burgum issued Executive Order 2020-12.2 on July 28, 2020, which extends eligibility for Workers’ Compensation Benefits to include Direct Care Providers.</p>		
Ohio	MONOPOLISTIC - prohibits the sale of workers compensation insurance by private insurers.		
Oklahoma	<p>In current law, the first section in the document is the general Oklahoma WC law on compensability of occupational diseases, and the second is those specific provisions relevant to firefighters and specific occupational diseases, including “infectious disease[s],” as that term is defined in the statute.</p> <p>State legislators have written to municipal organizations requesting they provide coverage to first responders who contract COVID-19 in the course of duty.</p> <p>Oklahoma Municipal Assurance Group (one of the recipients of the letter) currently views the compensability of COVID-19. “Employees who develop COVID-19 may also be entitled to workers compensation if the moment and method of transmission of the virus can be determined to have occurred</p>	<p>Oklahoma Lawmakers Call for First Responder Coverage</p> <p>OK Occupational Disease Statute (eff. Nov. 1 2015)</p> <p>OK Municipal Assurance Group</p>	<p>Letter of Request</p> <p>Enacted</p> <p>Recipient of legislator letter response</p>

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	<p>while in the performance of their job duties. Just as any other type of exposure claim, this will be determined after a positive test has been confirmed and an investigation indicates that the employee contracted COVID-19 while working. Any questions or concerns about workers compensation should be directed to the provider of your workers compensation insurance. “</p>		
Oregon			
Pennsylvania Pending Legislation	<p>PA HB 2396</p> <p>HB 2396 would create a presumption of work-related hazardous duty for individuals employed by a life-sustaining business or occupation who is required to work who contracts, has symptoms of or is otherwise exposed to an infectious disease, including COVID-19 (Coronavirus) or any other novel virus or infectious disease during the declaration of a disaster emergency under section 7301 (relating to general authority of Governor), the declaration of an epidemic or a public health emergency in this Commonwealth by the Governor or a pandemic, which results in a period of hospitalization, quarantine, isolation or other control measures due to infection or exposure, shall establish a presumption that the individual's medical condition or inability to work is work-related hazardous duty.</p> <p>An individual with an established presumption of work-related hazardous duty may not be required to use sick time, vacation time, personal time or any other accrued paid time off or contractual time off to cover the period of incapacitation or inability to work.</p> <p>An individual with an established presumption of work-related hazardous duty shall be eligible and qualified for unemployment compensation for the duration of the</p>	<p>PA HB 2396</p> <p>PA HB 2399</p>	<p>Filed April 13, 2020; in committee</p>

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	<p>period of incapacitation or inability to work.</p> <p>An individual with an established presumption of work-related hazardous duty shall be eligible and qualified for workers' compensation for all medical costs related to infection or exposure.</p> <p>An "Individual employed by a life-sustaining business or occupation" is a front-line employee and other individual employed by or under contract with a life-sustaining business or entity who are required to work during a public health emergency. The term shall include, but may not be limited to:</p> <p>(1) First responders, including law enforcement officers, firefighters, emergency medical technicians and other individuals who are considered to be first responders.</p> <p>(2) Correction officers.</p> <p>(3) Emergency services dispatchers.</p> <p>(4) Ambulance drivers.</p> <p>(5) Retail workers, including restaurant, food services and grocery store workers, cashiers and other support staff.</p> <p>(6) Food and agriculture workers.</p> <p>(7) Medical, health care and public health workers, including doctors, nursing professionals, physician assistants, paramedics and other support staff.</p> <p>(8) Pharmacists and any cashiers and other support staff.</p> <p>(9) Home health care workers.</p> <p>(10) Public utility workers, including workers engaged in providing telecommunications, energy, water and wastewater services and public works.</p> <p>(11) Employees of State or local government.</p> <p>(12) Trash collectors.</p>		
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	<p>(13) Warehouse workers.</p> <p>(14) Any other individual employed by a life-sustaining business or occupation who is required to work during a public health emergency.</p> <p>"Infectious disease" is defined to include COVID-19 and other diseases caused by a microorganism, such as a bacterium, virus or protozoan, which is not normally found in the human body and which is capable of causing infection.</p> <p>"Life-sustaining business or occupation" are those designated by the Governor; for the COVID-19 pandemic, this is found within his Business Guidance.</p> <p>HB 2485 and HB 2486</p> <p><u>HB 2485</u> and <u>HB 2486</u> both amend Section 108 of the Workers Compensation Act to make COVID-19 an occupational disease for health care providers and emergency responders.</p>	<p>HB 2485</p> <p>HB 2486</p>	<p>Introduced July 1; referred to House Labor & Industry</p>
<p>Rhode Island</p> <p>Pending Legislation</p>	<p>H 8066 provides an absolute presumption for the following workers that contracted COVID-19: police, fire, EMS, 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 employees, and truck drivers and utility workers; whether the workers are citizens, documented or undocumented immigrants, who contract, have symptoms of or otherwise become infected with the Coronavirus (Covid-19), during the time period in which the state, federal government or any municipality declared a state of emergency because of the Covid-19 pandemic.</p>	<p>H8066</p>	<p>June 16, 2020 - Introduced and referred to House Labor</p>
<p>South Carolina</p> <p>Pending Legislation</p>	<p>SC HB 5482 has been introduced and referred to the House Committee on Judiciary.</p>	<p>HB 5482</p>	<p>Introduced May 12, 2020.</p> <p>Referred to House Committee on Judiciary.</p>

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	<p>HB 5482 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 as a first responder, health care provider, or correctional officer.</p> <p>A first responder, health care provider, or correctional officer is 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 COVID-19 test. <p>HB 5482 would apply retroactively to first responders, health care providers, or correctional officers who, before the effective date of this act, received a COVID-19 diagnosis from a physician; received a presumptive positive COVID-19 test; received a laboratory-confirmed COVID-19 test; or were directed to isolate by an employer due to confirmed or suspected COVID-19 exposure.</p>		
<p>South Dakota</p>			
<p>Tennessee Legislation Filed</p>	<p>SB 8007 and HB 8008:</p> <p>Amend current law to provides that in a civil action raising a claim arising from COVID-19, an employer's payment of a workers' compensation claim under the Workers' Compensation Law is not evidence that COVID-19 was transmitted in the employer's workplace or evidence that the contraction of COVID-19 by the employer's employee arose out of or in the course of employment.</p> <p>Provide that:</p>	<p>SB 8007 and HB 8008</p>	<p>SB 8007 failed in Senate Commerce and Labor Committee on August 11. No action has been reported on HB 8008 and is unlikely given defeat of SB 8007.</p>

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- An employee who contracts COVID-19 is presumed to have an occupational disease arising out of and in the course of employment if ten (10) or more employees at the same location have contracted COVID-19 or if the employee is an essential worker.
- The presumption 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.
- Contraction of COVID-19 may be demonstrated through a positive laboratory diagnostic test; the written diagnosis of a licensed physician, physician's assistant, or nurse practitioner; or, in the case of a deceased employee, COVID-19 being listed as the cause of death on the employee's death certificate.
- Nonessential workers are not entitled to the rebuttable presumption but are not precluded from filing workers' compensation claims based on contraction of COVID-19.

An employer or insurer who exercises good faith in the administration of a COVID-19-related claim under this chapter retains all statutory protections established for the purpose of protecting persons or entities from COVID-19-related liability.

The bill would take effect upon becoming a law.

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<p>Texas</p>	<p>NCCI proposes rule for reporting COVID-19 claims</p>	<p>Item U-1401- Nature and Cause of Injury Codes for COVID-19 (Coronavirus) Claims</p>	<p>The National Council on Compensation Insurance (NCCI) filed. The filing proposes that the changes in Item U-1401 apply to new and renewal policies effective for claims attributable to COVID-19 with accident dates on and after December 1, 2019.</p>
<p>Utah Enacted Legislation</p>	<p>HB 3007 amends the Workers' Compensation Act to provide workers' compensation under certain circumstances to first responders who contract COVID-19. The term "first responder" as used in the bill is tied to definitions in federal regulations passed recently for COVID-19 response. The presumption of COVID-19 would be rebuttable by a preponderance of the evidence. The bill would also apply to volunteers who meet the first responder definition.</p> <p>On June 25, 2020, HB 5006 c was signed by the Governor. This bill modifies the workers' compensation presumption legislation passed earlier this year:</p> <ul style="list-style-type: none"> • it moves provisions related to coverage for first responders diagnosed with COVID-19 from the Workers' Compensation Act to the Utah Occupational Disease Act; • it narrows the definition of a first responder; and • it makes technical and conforming changes. 	<p>HB 3007</p> <p>HB 5006 c</p>	<p>Signed by Governor</p>
<p>Vermont Enacted Legislation</p>	<p>Enacted SB 342 creates a new retroactive presumption that certain workers diagnosed with COVID-19 are entitled to workers' compensation coverage for the disease. For frontline workers, disability or death resulting from COVID-19 is presumed to be compensable if the worker receives a positive laboratory test for COVID-19 or a diagnosis of COVID-19 from a</p>	<p>S 342</p>	<p>July 13, 2020 - Signed by Governor</p>

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	<p>licensed healthcare provider between March 1, 2020, and Jan.15, 2021. The bill includes an extensive definition of frontline worker.</p> <p>A similar presumption is enacted for non-frontline workers. However, this presumption is conditioned upon provision of additional proof and documentation of illness. Both presumptions are rebuttable. The effective date of the bill is retroactive to March 1, 2020, and includes a sunset date of Jan. 15, 2021.</p>		
<p>Virginia Legislation Pending and Failed</p>	<p><u>HB 5028</u> Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, first responders, health care providers, and school board employees is an occupational diseases compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to January 1, 2020.</p> <p><u>SB 5066</u> Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, first responders, and health care providers is an occupational disease compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to January 1, 2020.</p> <p>VA <u>SB 5022</u> would create a COVID-19 workers' compensation presumption by adding a COVID-19 to statutory presumption for a defined group of first responders.</p> <p><u>SB 5097</u> Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, first responders, and health care providers are occupational diseases compensable under the Workers'</p>	<p><u>HB 5028</u></p> <p><u>SB 5066</u></p> <p><u>SB 5022</u></p> <p><u>SB 5097</u></p>	<p>Passed House, September 4; referred to Senate Commerce and Labor</p> <p>In Senate Finance and Appropriations Committee following amendment</p> <p>Failed</p> <p>Failed</p>

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	<p>Compensation Act. The provisions of the bill will be effective retroactive to January 1, 2020.</p> <p>SB 5104 Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, first responders, and health care providers is an occupational diseases compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to January 1, 2020.</p>	SB 5104	Failed
Washington	<p>MONOPOLISTIC - prohibits the sale of workers compensation insurance by private insurers. Department of Labor and Industry has given guidance on claims involving first responders and health care providers.</p>	<p>Press Release on WC</p> <p>WC FAQ</p>	N/A
West Virginia			
Wisconsin	<p>Presumption for first responders only.</p>	WI PA 185	
Wyoming Enacted Legislation	<p>The Wyoming Legislature met May 15th and 16th in special session to consider COVID-19 related issues. Among the bills passed was SF 1002, which addresses several issues of importance to business, to include:</p> <ul style="list-style-type: none"> • Expanding the public health emergency liability immunity to “business entities” that act in good faith in following state or local health officers’ instructions or otherwise act in good faith in responding to the public emergency. • Declaring that for the period from January 1, 2020 through December 30, 2020, employees infected with COVID-19 shall be presumed to have contracted it because of the increased risk presented by the nature of the person’s employment. This language removes COVID-19 from the general workers’ compensation exclusion from coverage of communicable diseases. And, • Prohibiting the charging to an employer’s experience rating 	SF 1002	Signed by Governor on May 20, 2020. Assigned Chapter Number 2 LSO.

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	<p>any claim for COVID-19 that is filed before December 30, 2020.</p> <p>The bill also requires the state to fund this increase in cost of workers compensation coverage from funds that may be available under the federal CARES Act or other federal funds related to the COVID-19 emergency.</p>		
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