

### State 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> (Apr. 10, 2020)	Yes. Provides that an employee who contracts COVID-19 is conclusively presumed to have contracted an occupational disease arising out of an in the course of employment if, during the public health disaster emergency declared by the governor on March 11, 2020: <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 (3) 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>	N/A
<b>California</b>	<a href="#">AB 664</a>	Passed Assembly (May 13, 2019), amended to account for COVID-19 in the Senate (Apr. 17, 2020)	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.  Applies when applicable employees are directed to enter into quarantine by a licensed health care professional, a public health officer or agent, or employer.	<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>	Applies retroactively to injuries that occurred prior to the declaration of the state of emergency.  Defines the contours of the compensation that must be covered (e.g., full hospital, surgical, medical treatment, disability, indemnity, and death benefits, etc.).
<b>Louisiana</b>	<a href="#">SB 475</a>	Introduced (Mar. 31,	Yes. Provides that every essential worker who is disabled because of the contraction	<ul style="list-style-type: none"> <li>• Persons working in public safety, government, disaster response, health</li> </ul>	Details the requirements to file a

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		2020)	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.	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.	claim.
<b>Massachusetts</b>	<a href="#">HB 4949</a>	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"> <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>	N/A
<b>Minnesota</b>	<a href="#">HF 4537</a>   <a href="#">SF 4458</a>	<b>ENACTED</b> (Apr. 14, 2020)	Yes. Clarifies that an employee who contracts COVID-19 is presumed to have an occupational disease arising out of an in the course of employment if: <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 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</li> </ul>	<ul style="list-style-type: none"> <li>• Firefighter.</li> <li>• Paramedic.</li> <li>• Nurse or health care worker, correctional officer, or security counselor employed by the state or a political subdivision at a corrections, detention, or secure treatment facility.</li> <li>• Emergency medical technician.</li> <li>• A health care provider, nurse, or assistive employee 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.</li> <li>• Workers required to provide child care</li> </ul>	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>	<p>to first responders and health care workers under the state executive orders.</p>	
New York	<a href="#">AB 10239</a>	<p>Introduced; referred to the Governmental Employees Committee (Apr. 8, 2020)</p>	<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,</li> </ul> <p>unless the contrary can be proved by competent evidence.</p>	<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>
	<a href="#">SB 8117A</a>	<p>Amended and recommitted to the Senate Committee on Local Government (Apr. 8, 2020)</p>	<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</li> </ul>	<ul style="list-style-type: none"> <li>• Law enforcement (e.g., sheriff, undersheriff, corrections officers, etc.).</li> <li>• Any paid officer or member of an organized fire company or fire department.</li> <li>• Emergency medical technician, advanced emergency medical technicians, or paramedics.</li> <li>• Probation officers or peace officers</li> </ul>	<p>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</p>

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			discharge of duty and proximate result of an accident, unless the contrary can be proven by competent evidence.	<ul style="list-style-type: none"> <li>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>	treatment covered if they contract COVID-19.
Ohio	<a href="#">HB 573</a>	Introduced (Mar. 23, 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"> <li>Every person 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, etc.</li> <li>Every person in the service of any person, firm, or private corporation.</li> <li>Every person who performs labor or provides services pursuant to a construction contract.</li> <li>Every person who operates 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>	Applies <i>only</i> 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 571</a>	Introduced (Mar. 23, 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 officer.</li> <li>Firefighter.</li> <li>Emergency medical worker.</li> </ul>	Applies <i>only</i> 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.

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	<a href="#">HB 605</a>	Introduced (Apr. 10, 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>• An employee of a retail food establishment.</li> <li>• An employee of a food processing establishment.</li> </ul>	Applies only 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 Labor and Industry Committee (Apr. 13, 2020)	<p>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 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"> <li>• First responders, including law enforcement officers, firefighters, emergency medical technicians, and other individuals who are considered first responders.</li> <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</li> </ul>	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 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.

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				life-sustaining business or occupation who is required to work during a public health emergency.	
<b>Utah</b>	<a href="#">HB 3007</a>	Introduced (Apr. 14, 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 responder.</li> <li>• Health care provider.</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>Wisconsin</b>	<a href="#">AB 1038</a>	<b>ENACTED</b> (Apr. 15, 2020)	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—	<ul style="list-style-type: none"> <li>• An employee of or volunteer for an employer that provides firefighting, law enforcement, or medical treatment of COVID-19, and who has regular,</li> </ul>	Requires an injury claimed to be accompanied by a specific diagnosis by

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			<p>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>	<p>direct contact with, or is 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.</p>	<p>a physician or by a positive COVID-19 test.</p>