

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 are planning on providing daily updates documenting any relevant new bills that are introduced and the current procedural posture of the existing legislation. Today, the recent updates are denoted below, including:

- The Vermont Senate passed legislation to grant the Commissioner of Labor temporary authority to amend or waive certain requirements and deadlines under the workers' compensation laws and to provide a presumption that certain workers who are diagnosed with COVID-19 are entitled to workers' compensation.

* In general, most states that have introduced legislation establishing presumptive eligibility for workers' compensation claims follow a specific 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.). The below survey details the existing legislation, the current state of play, and a brief overview of the general provisions.

* We envision this as an evergreen document that we will aim to update daily. If you operate in a state and notice that we have not included the most up-to-date legislative developments, please let us know.

Workers' Compensation Legislation

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
Alaska	SB 241	ENACTED (Apr. 10, 2020)	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: <ul style="list-style-type: none"> • Is an applicable employee; • Is exposed to COVID-19 in the course of their employment; and • 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	AB 664	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"> • Active firefighting members (whether volunteers, partly paid, or fully paid of certain fire departments). • Peace officers. • Health care employees who provide direct patient care in an accurate care hospital. • Fire and rescue services coordinators who work for the Office of Emergency Services. 	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.).
	SB 1159	Amended, referred to	Yes. Provides that an “injury,” for the purposes of the state’s workers’	<ul style="list-style-type: none"> • A public or private sector employee who is employed to combat the spread 	Provides no specified end date for the

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		Committee on Rules (Apr. 22, 2020)	<p>compensation law, that develops or manifests itself while a critical worker is employed is presumed to arise out of and in the course of the employment.</p> <p>Defines injury to include illness or death resulting from COVID-19 if all of the following circumstances apply:</p> <ul style="list-style-type: none"> • The injury develops or occurs during a period in which a critical worker is in the service of an essential critical infrastructure employer. • The injury is confirmed by a positive laboratory test or, if a laboratory test was not available, as diagnosed and documented by the critical worker’s physician based on the employee’s symptoms. • The injury results in hospitalization or significant lost time beyond the critical worker’s work shift at the time of injury of at least [X] days due to the illness. <i>Note, the number of days is not provided in the legislation.</i> <p>Provides that the presumption is disputable and may be controverted by other evidence.</p>	of COVID-19.	application of these protections.
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	<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.

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			accident arising out of and in the course of their employment.		
Massachusetts	HB 4949	Reported and referred to the Committee on Labor and Workforce Development (Apr. 6, 2020)	<p>Yes. Clarifies that, in any claim for compensation where the employee has been diagnosed with COVID-19, it will be prima facie evidence that:</p> <ul style="list-style-type: none"> 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. 	
Minnesota	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 employee’s symptoms. <p>Provides that the presumption is only rebuttable if the employer or insurer shows that the employment was not a</p>	<ul style="list-style-type: none"> Firefighter. Paramedic. 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. Emergency medical technician. 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. Workers required to provide child care to first responders and health care workers under the state executive orders. 	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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			direct cause of the disease.		
New York	AB 10239	Introduced; referred to the Governmental Employees Committee (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; and • Was incurred in the performance and discharge of duty, <p>unless the contrary can be proved by competent evidence.</p>	<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, <p>unless the contrary can be proven by competent evidence.</p>	<ul style="list-style-type: none"> • Law enforcement (e.g., sheriff, undersheriff, corrections officers, etc.). • Any paid officer or member of an organized fire company or fire department. • Emergency medical technician, 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. • Fire inspectors, fire marshals, 	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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				troopers, trooper investigators, etc.	
Ohio	HB 573	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"> • Every person 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. • Every person in the service of any person, firm, or private corporation. • Every person who performs labor or provides services pursuant to a construction contract. • 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. 	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.
	HB 571	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"> • Peace officer. • Firefighter. • Emergency medical worker. 	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.
	HB 605	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	<ul style="list-style-type: none"> • An employee of a retail food establishment. • An employee of a food processing establishment. 	Applies <i>only</i> to claims arising during the period of the emergency declared

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			refuted by affirmative evidence, that COVID-19 was contracted in the course of and arising out of the employee’s employment.		on March 9, 2020.
Pennsylvania	HB 2396	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"> • 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. • 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. 	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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Utah	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; and • 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. <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. 	<ul style="list-style-type: none"> • Emergency responder. • Health care provider. 	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.
Vermont	SB 342	Passed Senate (Apr. 27, 2020)	<p>Yes. Provides that the 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>	<ul style="list-style-type: none"> • Firefighter. • Law enforcement officer. • Ambulance service, emergency medical personnel, first responder service, and volunteer personnel. • A worker in a health care facility or in an institution or office where health care services are provided by licensed 	Grants the Commissioner of Labor temporary authority to amend or waive certain requirements and deadlines under the workers'

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			<p>For non-front-line workers, provides death or disability may still be presumed compensable, if the employee receives a positive laboratory test or diagnosis for COVID-19 between March 1, 2020 and January 15, 2021 and either:</p> <ul style="list-style-type: none"> • Had documented occupational exposure in the course of employment to an individual with COVID-19; or • Performed services at a residence or facility with residents/employees who (1) were present at the time services were performed and (2) either had COVID-19 at that time or were diagnosed with COVID-19 within a reasonable period of time after the services were performed. <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>healthcare professionals.</p> <ul style="list-style-type: none"> • Correctional officer. • A worker in a long-term care facility or residential care facility. • A childcare provider that is required to provide childcare to the children of other front-line workers. • An employee of a pharmacy or a grocery store. • A home health care worker or personal care attendant. • A worker 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. 	<p>compensation laws.</p>
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</p>	<ul style="list-style-type: none"> • An employee of or volunteer for an employer that provides firefighting, law enforcement, or medical treatment of COVID-19, and who has regular, 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>Requires an injury claim to be accompanied by a specific diagnosis by a physician or by a positive COVID-19 test.</p>

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			by specific evidence that the injury was caused by exposure to COVID-19 outside of the applicable employee's work for the employer.		

State Legislative Action on Business Interruption Coverage

* In recent weeks, state legislatures have introduced bills seeking to expand coverage under business interruption policies in response to the novel coronavirus (COVID-19) outbreak.

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- The Michigan House introduced business interruption legislation and referred it to the legislature’s Committee on Insurance.

* In general, most states that have introduced legislation expanding coverage under business interruption policies follow a specific framework:

- Requires coverage for business interruption due to the threat posed by COVID-19 to be construed as a “covered peril” under the business interruption policy;
- Requires the coverage to indemnify the insured for any loss of business/business interruption during a COVID-19-related state of emergency; and
- Dictates the policies to which the expansion applies (e.g., policies covering insureds who have less than 100 employees, policies in place during a certain time period, etc.).

Not every state has followed this model and some states deviate in important respects (e.g., application to all insureds, etc.). The below survey details the existing legislation, the current state of play, and a brief overview of the general provisions.

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Business Interruption Legislation

State	Bill	Procedural Posture	General Overview	Indemnification	Application to Insureds	Duration of Application
Louisiana	SB 477	Introduced; placed on the calendar for a second reading (Mar. 31, 2020)	Requires every policy of insurance in force on March 11, 2020 and thereafter insuring against loss/damage to property that includes loss of use, loss of occupancy, or business interruption to be construed to include among the covered perils, “coverage for business interruption due to imminent threat posed by COVID-19.” Requires every policy of insurance covering business interruption delivered/issued for delivery on or after August 1, 2020 to include a notice of all exclusions that is signed by the insured.	Provides that the coverage will indemnify the insured for any loss of business or business interruption for the duration of the declared state of emergency.		Applies retroactively to March 11, 2020.
	HB 858	Introduced; lies over under the rules (Mar. 31, 2020)	Requires insurers that write policies which insure against loss/damage to property that also provide for coverage of loss of use, loss of occupancy, and business interruption to be construed to include “coverage of business interruptions due to the coronavirus disease 2019 pandemic.”	Requires insurers to indemnify policyholders who have policies that provide such coverage, subject to the extent of the policyholder’s policy, for any loss of business or business interruption incurred during the public health emergency.	Applies to policies issued to insureds who have less than 100 full-time employees.	Applies both prospectively and retroactively to March 11, 2020.
Massachusetts	SD 2888	Referred to the Committee on Financial	Requires every policy of insurance insuring against loss or damage to property (notwithstanding the terms of such policy, including any endorsements or exclusions to	Subject to the policy’s monetary limits and any maximum length of time set forth in the	Applies only to policies issued to insureds with 150 or fewer full-time-	Applies only to policies that are in force on the effective

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		Services (Apr. 21, 2020); House Concurred (Apr. 23, 2020)	<p>coverage), which includes the loss of use, loss of occupancy, and business interruption to be construed to include among the covered perils coverage for business interruption “directly or indirectly resulting from the global pandemic known as COVID-19.”</p> <p>Prohibits an insurer from denying a claim for the loss of use, loss of occupancy, and business interruption on account of:</p> <ul style="list-style-type: none"> • COVID-19 being a virus (even if the relevant insurance policy excludes losses resulting from viruses); or • There being no physical damage to the property of the insured or to any other relevant property. <p>Allows insurers to apply to the Division of Insurance for reimbursement for claims paid and provides guidance to the Division of Insurance for how to make such reimbursements.</p>	policy for such business interruption coverage, requires the coverage to cover the insured for any loss of business interruption until the emergency declaration is rescinded.	equivalent employees and which are in force on the effective date of this act (or that become effective prior to the rescission of the emergency declaration).	date of this act (or that become effective prior to the rescission of the emergency declaration).
Michigan	HB 5739	Introduced; referred to Committee on Insurance (Apr. 24, 2020)	Provides that an insurer that delivers, issues for delivery, or renews a business interruption insurance policy must include in the policy coverage for business interruption due to COVID-19.	Requires the coverage to indemnify the insured, subject to the limits under the policy, for any loss of business or business interruption.	Applies to policies in force upon the effective date of the legislation and issued to insureds that have less than 100 eligible employees in Michigan (i.e., full-time employees who work a normal workweek of 25+	Applies for the duration of the declaration of state of emergency.

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					hours).	
New Jersey	AB 3844	Reported out of the Assembly Committee on Homeland Security and State Preparedness by 63-0-0 (Mar. 16, 2020)	<p>Requires every policy of insurance insuring against loss or damage to property, which includes the loss of use, loss of occupancy, and business interruption to be construed to include among the covered perils coverage for business interruption due to COVID-19.</p> <p>Allows insurers to apply to the Department of Banking and Insurance for reimbursement for claims paid and provides guidance to the Department of Banking and Insurance for how to make such reimbursements.</p>	Requires coverage to indemnify the insured, subject to the limits under the policy, for any loss of business or business interruption for the duration of that declared state of emergency.	Applies to policies issued to insureds with less than 100 eligible employees (i.e., a full-time employee who works a normal work-week of 25+ hours) in the state.	Applies retroactively to March 9, 2020.
New York	AB 10327	Introduced; referred to the Committee on Insurance (Apr. 22, 2020)	<p>Requires every policy of insurance insuring against loss or damage to property, which includes the loss of use, loss of occupancy, and business interruption to be construed to include among the covered perils under that policy, coverage for business interruption during a period of declared state of emergency due to COVID-19.</p> <p>Allows insurers to apply to DFS for reimbursement for claims paid and provides guidance to DFS for how to make such reimbursements.</p>	Provides that coverage will indemnify the insured, subject to the limits under the policy, for any loss of business or business interruption for the duration of a period of a declared state of emergency due to COVID-19.	Applies to insureds with such coverage who operate certain programs and services (e.g., mental health outpatient providers, substance use disorder treatment providers, diagnostic and treatment centers, mental hygiene clinics, primary care physicians or other providers, etc.).	Applies retroactively to policies in force on or after March 7, 2020.

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	SB 8178	Recommitted to the Committee on Insurance; Enacting Clause Stricken (Apr. 17, 2020)	<p>Requires every policy of insurance insuring against loss or damage to property, which includes the loss of use, loss of occupancy, and business interruption to be construed to include among the covered perils under that policy, coverage for business interruption during a period of a declared state of emergency due to COVID-19.</p> <p>Allows insurers to apply to DFS for reimbursement for claims paid and provides guidance to DFS for how to make such reimbursements.</p>	Requires the coverage to indemnify the insured, subject to the limits under the policy, for any loss of business or business interruption for the duration of a period of a declared state of emergency due to COVID-19.	Applies to policies issued to insureds with less than 100 eligible employees (i.e., full-time employees who work a normal work-week of 25+ hours) in force on the date the legislation takes effect.	Applies retroactively to policies in force on or after March 7, 2020.
	SB 8211 AB 10226	<p>SB: Referred to the Committee on Insurance (Apr. 17, 2020)</p> <p>AB: Amended and recommitted to the Committee on Insurance (Apr. 8, 2020)</p>	<p>Provides that every policy of insurance insuring against loss or damage to property, which includes—but is not limited to—the loss of use, loss of occupancy, and business interruption:</p> <ul style="list-style-type: none"> • Will be construed to include among the covered perils under that policy, coverage for business interruption during a period of a declared state of emergency due to COVID-19. • Whose policy expires during a period of a declared state of emergency due to COVID-19 will be subject to an automatic renewal of the policy at the current rate of charge. • Which allows the insurer to deny coverage based on a virus, bacterium, or other microorganism that causes disease, illness, or physical distress, will be null and void (provided that the other clauses and provisions will remain in effect for the duration of the 	Provides that coverage will indemnify the insured, subject to the limits under the policy, for any loss of business or business interruption for the duration of a period of a declared state of emergency due to COVID-19.	Policies issued to insureds with less than 250 eligible employees (i.e., full-time employees who work a normal work-week of 25+ hours) in force on the date the legislation takes effect.	Applies retroactively to policies in force on or after March 7, 2020.

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			<p>contract term).</p> <p>Allows insurers to apply to DFS for reimbursement for claims paid and provides guidance to DFS for how to make such reimbursements.</p>			
Ohio	HB 589	Introduced (Mar. 24, 2020)	<p>Requires every policy of insurance insuring against loss or damage to property, which includes the loss of use, loss of occupancy, and business interruption to be construed to include among the covered perils under that policy, coverage for business interruption due to global virus transmission or pandemic during the state of emergency.</p> <p>Allows insurers to apply to the Department of Insurance for reimbursement for claims paid and provides guidance to the Department of Insurance for how to make such reimbursements.</p>	Provides that the coverage will indemnify the insured, subject to the limits under the policy, for any loss of business or business interruption for the duration of the state of emergency.	Applies only to businesses that employ 100 or fewer eligible employees (i.e., full-time employees who work a normal work-week of 25+ hours).	Applies only to businesses that were covered by a policy of insurance that was in force on the effective date of the legislation.
Pennsylvania	HB 2386	Reported out of the Committee on Commerce; laid on the table (Apr. 21, 2020)	<p>Establishes the COVID-19 Disaster Emergency Business Interruption Grant Program within the Department of Community and Economic Development to provide funding for the continuing operation of businesses during and after the COVID-19 disaster emergency.</p> <p>Details the eligibility and operation requirements of the grant program.</p>			
	SB 1114	Referred to the Committee	Requires a policy of insurance insuring against a loss related to property damage—including the loss of use, loss of occupancy,	Requires the coverage to indemnify the insured for losses	Applies at 100% coverage levels to “small businesses”	Applies to active insurance

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		on Banking and Insurance (Apr. 15, 2020)	<p>and business interruption—to be construed to include among the covered perils coverage for loss or property damage due to COVID-19 and coverage for loss due to a civil authority order related to the declared disaster emergency and exigencies caused by COVID-19.</p> <p>Does not apply to certain lines of insurance (e.g., life, annuity, health, or disability insurance; mortgage guaranty, financial guaranty, or other forms of insurance offering protection against investment risks; fidelity or surety bonds; credit insurance, vendors’ single interest insurance or collateral protection insurance; title insurance; ocean marine insurance; insurance provided or guaranteed by a governmental entity; workers’ compensation and employer’s liability insurance; etc.).</p>	related to the declared disaster emergency subject to the policy limits for loss of business or business interruption and subject to the maximum individual policy limits.	<p>(i.e., qualifies as a small business under SBA regulations or has received or will receive funding through a program administered by the SBA).</p> <p>Provides that insureds not classified as small businesses will receive 75% of the policy limit for eligible claims for covered losses.</p>	policies with effective dates prior to March 6, 2020 and to insurance companies providing coverage against loss or damage to property (including the loss of use, loss of occupancy, and business interruption in the state).
	HB 2372	Referred to Committee on Insurance (Apr. 3, 2020)	<p>Requires an insurance policy that insures against loss or damage to property, which includes the loss of use, loss of occupancy, and business interruption, in force on March 6, 2020 to be construed to include among the covered perils under the insurance policy coverage for business interruption due to global virus transmission or pandemic.</p> <p>Allows insurers to apply to the Department of Insurance for reimbursement for claims paid and provides guidance to the Department for how to make such reimbursements.</p>	Requires the coverage to indemnify the insured of an insurance policy, subject to the broadest or greatest limit and lowest deductible afforded to business interruption coverage under the insurance policy, for any loss of business or business interruption for the duration of the declaration of disaster	Applies to an insurance policy that is issued to an insured of an insurance policy if the insured has fewer than 100 eligible employees (i.e., a full-time employee who works a normal work week of 25+ hours).	Applies to insurance policies that were active on March 6, 2020.

State	Bill	Procedural Posture	General Overview	Indemnification	Application to Insureds	Duration of Application
				emergency.		
South Carolina	SB 1188	Introduced; referred to the Committee on Banking and Insurance (Apr. 8, 2020)	<p>Requires every policy of insurance in force insuring against loss or damage to property, notwithstanding its terms, that includes a loss of use, loss of occupancy, or business interruption to be construed to include, among the covered perils under the policy, coverage for loss of use, loss of occupancy, or business interruption, directly or indirectly resulting from COVID-19, including all mutated forms of the COVID-19 virus.</p> <p>Provides that no insurer may deny a claim for a loss of use, loss of occupancy, or business interruption, with respect to COVID-19, including, but not limited to, attempted insurer denials on account of:</p> <ul style="list-style-type: none"> • COVID-19 being a virus, even if the relevant insurance policy excludes losses resulting from viruses; • There being no physical damage to the property of the insured or to any other relevant property; or • Orders issued by any civil authority, or acts or decisions of a governmental entity. <p>Allows insurers to apply to the Department of Insurance for reimbursement for claims paid and provides guidance to the Department for how to make such reimbursements.</p>	Provides that the coverage required is subject to any monetary limits of the policy and any maximum length of time set forth in the policy.	Applies only to policies issued to insureds with 150 or fewer full-time equivalent employees in the state.	Applies to policies that are in force on the effective date of the legislation or become effective prior to the date on which the governor's state of emergency declaration expires.