

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

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

\* This tracker focusses on the 2021 legislative session. You can access the 2020 legislative session tracker [here](#).

\* 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 Illinois legislature enacted a bill, HB 4276, that extends the current rebuttable presumption of compensability for firefighters, correctional officers and specified employees working within a penal institution who contract COVID-19 from December 31, 2020 to June 30, 2021.
- The Virginia legislature sent SB 1375/HB 2207 and HB 1985 to the Governor for signature.
  - SB 1375/ HB 2207 would create a rebuttable presumption that any firefighter, law-enforcement officer and correctional officer who contracts COVID-19 is presumed to have an occupational disease suffered in the line of duty.
  - HB 1985 would create a rebuttable presumption that any health care provider, who as part of the provider's employment is directly involved in diagnosing or treating persons known or suspected to have COVID-19, for whom COVID-19 caused death or any health condition or impairment resulting in total or partial disability, has an occupational disease suffered in the line of duty.
- Alaska introduced a bill, HB 45, which would create a rebuttable presumption for compensation under Alaska's workers' compensation law for specified employees who contract COVID-19 during a disaster emergency declared by the governor due to an outbreak of the contagious diseases.
- The Florida House and Senate introduced legislation, HB 949/ SB 1314/ SB 1422 (some minor technical differences between the bill texts), which would create a rebuttable presumption that any emergency rescue or public safety worker who suffers a condition or impairment of health that is caused by an infectious disease that has been declared a public health emergency, that requires medical treatment, and that results in total or partial disability or death, has a disability suffered in the line of duty.
- The Georgia House and Senate introduced a bill, HB 700 and SB 291, which provides that for compensation under Georgia's workers' compensation law for claims relating to incidents of COVID-19 exposure, COVID-19 shall not be considered an ordinary disease of life for an essential worker nor a disease to the essential worker may have had substantial exposure outside of employment, if contracted within five (HB 700) or 14 (SB 291) calendar days of performing work for the employer.

- The Maine House introduced a bill, LD 997, which would create a rebuttable presumption that a condition of impairment of health caused by an infectious disease resulting in total or partial disability or death of a corrections officer has been suffered in the line of duty, if the corrections officer successfully passed a physical examination upon entry into service as a corrections officer, or subsequently successfully passed a physical examination, and the examination failed to reveal any evidence of a condition of impairment of health caused by an infectious disease.
- The Missouri House introduced a bill, HB 1246, which would create a rebuttable presumption that a paid, volunteer, or retired firefighter, paramedic, or emergency medical technician, or paid emergency or 9-1-1 dispatcher, who contracts any infectious disease or disease of the lungs or respiratory tract has an occupational disease if there is reasonable medical evidence that a person contracting the disease was free of the disease at the beginning of his or her employment.
- The New York assembly introduced a bill, A 6117, which would define COVID-19 as an occupational disease and require that workers' compensation be payable for disabilities sustained or death incurred by specified employees resulting from exposure to COVID-19.
- The Texas House introduced a bill, HB 3816, which creates a rebuttable presumption that a detention officer, firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis for a disaster declared by the governor for all or part of the state and dies or is totally or partially disabled as a result of the disease, contracted the disease during the course and scope of employment.

\* 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
<b>Alaska</b>	<a href="#">HB 45</a>	Introduced (Feb. 18, 2021)	Creates a rebuttable presumption for compensation under Alaska’s workers’ compensation law for specified employees who contract COVID-19 during a condition of disaster emergency declared by the governor due to an outbreak of the contagious diseases.	<ul style="list-style-type: none"> <li>• Emergency medical technicians.</li> <li>• Firefighters.</li> <li>• Health care providers.</li> <li>• Paramedics.</li> <li>• Peace officers.</li> <li>• Employees of a child care facility.</li> <li>• Employee of a grocery store.</li> <li>• Teachers.</li> <li>• Employees who perform services that the commissioner determines place them at a similar risk of being exposed to or contracting the contagious disease as the occupations listed above.</li> </ul>	Applies retroactive to November 15, 2020 and prospectively.
<b>California</b>	<a href="#">SB 213</a>	Introduced (Jan. 13, 2021)	Creates a rebuttable presumption for compensation under California’s workers’ compensation law that hospital employees who provide direct patient care in an acute care hospital who contract COVID-19, contracted it in the course of the employment.	<ul style="list-style-type: none"> <li>• Hospital employees who provide direct patient care in an acute care hospital.</li> </ul>	Applies prospectively from January 1, 2023.
<b>Connecticut</b>	<a href="#">HB 6478</a>	Introduced (Feb. 18, 2021)	Creates a rebuttable presumption that qualifying employees who contract COVID-19 have an occupational disease that arose out of and in the course of employment.	<p>All employees who were unable to work during the COVID-19 outbreak in Connecticut except:</p> <ul style="list-style-type: none"> <li>• Employees who worked solely from home and did not have</li> </ul>	Applies prospectively.

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				<p>physical interaction with other employees or work-related supplies or materials of the employer; and</p> <ul style="list-style-type: none"> <li>Employees who were the recipient of an individualized written offer or directive from his or her employer to work solely from home, but otherwise chose to work at a work site of the employer.</li> </ul>	
	<a href="#">HB 6595 / SB 1002</a>	Introduced (Mar. 4, 2021)	Creates a rebuttable presumption for compensation under Connecticut’s workers’ compensation law that an employee who died or was unable to work as a result of contracting COVID-19 shall be presumed to have contracted COVID-19 as an occupational disease arising out of and in the course of employment.	<p>All employees provided they share a copy of the positive test or documented diagnosis with their employer/insurer and were <u>not</u>:</p> <ul style="list-style-type: none"> <li>employed in a capacity where they worked solely from home and did not have physical interaction with other employees or work-related supplies or materials of the employer; or</li> <li>the recipient of an individualized written offer or directive from their employer to work solely from home, but otherwise chose to work at a work site of the employer.</li> </ul>	Applies at any time during the public health and civil preparedness emergencies declared by the Connecticut Governor on March 10, 2020, or any extension of the declarations, or any new public health and civil preparedness emergencies declared by the Governor as a result of a COVID-19 outbreak.
<b>Florida</b>	<a href="#">HB 949 / SB 1314 / SB 1422</a>	Introduced in House (Feb. 11, 2021); Introduced in	Creates a rebuttable presumption that any emergency rescue or public safety worker who suffers a condition or impairment of health	<ul style="list-style-type: none"> <li>Firefighters.</li> <li>Paramedics.</li> <li>Emergency medical technicians.</li> </ul>	Applies prospectively from July 1, 2021.

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	(some minor technical differences between the bill texts)	Senate (Feb. 16, 2021)	<p>that is caused by an infectious disease that has been declared a public health emergency, that requires medical treatment, and that results in total or partial disability or death, has a disability suffered in the line of duty.</p> <p>Worker must verify by affidavit that they contracted the infectious disease during a public health emergency and was not exposed, outside of the scope of his or her employment, to any person known to have the infectious disease.</p> <p>Failure or refusal by an emergency rescue or public safety worker to undergo immunization, if required by their employer, disqualifies the worker from the benefits of the presumption.</p>	<ul style="list-style-type: none"> <li>• Law enforcement officers.</li> <li>• Correctional officers.</li> </ul>	
<b>Georgia</b>	<a href="#"><u>HB 700</u></a>	Introduced (Mar. 1, 2021)	Provides that for compensation under Georgia’s workers’ compensation law for claims relating to incidents of COVID-19 exposure, COVID-19 shall not be considered an ordinary disease of life for an essential worker nor a disease to the essential worker may have had substantial exposure outside of employment, if contracted within five calendar days of performing work for the employer.	<ul style="list-style-type: none"> <li>• Essential workers.</li> </ul>	Applies prospectively.

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	<a href="#">SB 291</a>	Introduced (Mar. 11, 2021)	Provides that for compensation under Georgia’s workers’ compensation law for claims relating to incidents of COVID-19 exposure, COVID-19 shall not be considered an ordinary disease of life for an essential worker nor a disease to the essential worker may have had substantial exposure outside of employment, if contracted within 14 calendar days of performing work for the employer.	<ul style="list-style-type: none"> <li>Essential workers.</li> </ul>	Applies retroactively to March 14, 2020, and prospectively until July 1, 2023
<b>Hawaii</b>	<a href="#">HB 1224 / SB 1415</a>	Introduced (Jan. 27, 2021)	Creates a rebuttable presumption for compensation under Hawaii’s workers’ compensation law that, for an employee who contracts COVID-19, the contraction was proximately caused by an employer’s failure to maintain adequate workplace protections against exposure to COVID-19.	<ul style="list-style-type: none"> <li>Everyone.</li> </ul>	Applies prospectively.
<b>Illinois</b>	<a href="#">HB 3654</a>	Introduced (Feb. 25, 2021)	Amends Illinois’ current workers compensation laws to provide that no compensation shall be payable for a death or disability arising out of an employee’s exposure to COVID-19 if the employee has refused to take a COVID-19 vaccination.	<ul style="list-style-type: none"> <li>Everyone.</li> </ul>	Applies prospectively.

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	<a href="#">HB 4276</a>	<b>ENACTED</b> (Feb. 26, 2021)	Extends the current rebuttable presumption of compensability for workers who contract COVID-19 from December 31, 2020 to June 30, 2021.	<ul style="list-style-type: none"> <li>• Part-time or full-time State correctional officers.</li> <li>• Any other full or part-time employees of the Department of Corrections.</li> <li>• Full or part-time employees of the Prisoner Review Board.</li> <li>• Full or part-time employees of the Department of Human Services working within a penal institution or a State mental health or developmental disabilities facility operated by the Department of Human Services.</li> <li>• Full-time law enforcement officers.</li> <li>• Full-time firefighters, including full-time paramedics or a firefighter who performs paramedic duties who is employed by the State of Illinois or any unit of local government, State supported college or university, or other public entity granted the power to employ persons for such purposes by law.</li> </ul>	Applies retroactively to circumstances attributed to COVID-19 occurring on or after March 9, 2020 and prospectively until June 30, 2021.

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<b>Iowa</b>	<a href="#">HF 121 / SF 138</a>	Introduced (Jan. 21, 2021)	Creates a rebuttable presumption that if an employee can show that they were exposed to a person infected with COVID-19 or a similar disease while in the workplace, the employee's infection is an occupational disease for which an employer is liable for compensation under the Iowa occupational disease law.	<ul style="list-style-type: none"> <li>Employees who can show that they were exposed to a person infected with COVID-19 or a similar disease while in the workplace.</li> </ul>	Applies prospectively.
<b>Maine</b>	<a href="#">LD 997</a>	Introduced (Mar. 10, 2021)	Creates a rebuttable presumption that a condition of impairment of health caused by an infectious disease resulting in total or partial disability or death of a corrections officer has been suffered in the line of duty, if the corrections officer successfully passed a physical examination upon entry into service as a corrections officer, or subsequently successfully passed a physical examination, and the examination failed to reveal any evidence of a condition of impairment of health caused by an infectious disease.	<ul style="list-style-type: none"> <li>Corrections officers.</li> </ul>	Applies prospectively.
<b>Maryland</b>	<a href="#">HB 765</a>	Introduced (Jan. 29, 2021)	Creates a rebuttable presumption that specified essential workers who contract COVID-19 have a compensable occupational disease that was suffered in the line of duty or course of employment.	<ul style="list-style-type: none"> <li>Firefighters.</li> <li>Rescue squad members.</li> <li>Advanced life support unit members.</li> <li>Police officers.</li> <li>Sheriffs and deputy sheriffs.</li> <li>Correctional officers.</li> </ul>	Applies prospectively.



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				<ul style="list-style-type: none"> <li>• Health care workers.</li> <li>• Child care workers.</li> </ul>	
	<a href="#"><u>HB 1247 / SB 725</u></a>	Introduced in the Senate (Feb. 5, 2021); Introduced in the House (Feb. 8, 2021)	Creates a rebuttable presumption that police officers, sheriffs, firefighters, rescue squad members and advance life support unit members who contract COVID-19, suffered from an occupational disease that was suffered in the line of duty and is compensable.	<ul style="list-style-type: none"> <li>• Police officers and sheriffs.</li> <li>• Firefighters including volunteers.</li> <li>• Rescue squad member including volunteers.</li> <li>• Advanced life support unit members including volunteers.</li> </ul>	Applies prospectively.
	<a href="#"><u>SB 756</u></a>	Introduced (Feb. 5, 2021)	Creates a rebuttable presumption that firefighters, rescue squad members, advance life support unit members, police officers, sheriffs and specified healthcare workers who contract COVID-19, suffered from an occupational disease that was suffered in the line of duty and is compensable.	<ul style="list-style-type: none"> <li>• Firefighters including volunteers.</li> <li>• Rescue squad members including volunteers.</li> <li>• Advanced life support unit members including volunteers.</li> <li>• Police officers and sheriffs.</li> <li>• Health care workers who have been in direct contact with patients; or occupy, clean, or repair areas occupied by patients.</li> </ul>	Applies prospectively.
	<a href="#"><u>HB 1199 / SB 813</u></a>	Introduced in the House (Feb. 8, 2021); Introduced in the Senate (Feb. 9, 2021)	Creates a rebuttable presumption that specified workers who contract COVID-19, suffered from an occupational disease that was suffered in the line of duty/ course of employment and is compensable.	<ul style="list-style-type: none"> <li>• Firefighters including volunteers.</li> <li>• Rescue squad members including volunteers.</li> <li>• Advanced life support unit members including volunteers.</li> <li>• Paramedics including volunteers.</li> <li>• Police officers and sheriffs.</li> <li>• Correctional officers.</li> </ul>	Applies prospectively.

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				<ul style="list-style-type: none"> <li>• Security counselors employed at a corrections, detention, or secure treatment facility.</li> <li>• Child care workers.</li> <li>• Education workers.</li> <li>• Essential workers (ie. individuals who are required to work on the premises of a business or government agency that has been declared essential)</li> <li>• Health care workers whose duties include direct patient care or ancillary work in areas where patients diagnosed with COVID-19 are treated.</li> </ul>	
	<a href="#"><u>SB 812</u></a>	Introduced (Feb. 9, 2021)	Creates a rebuttable presumption that specified workers who contract COVID-19, suffered from an occupational disease that was suffered in the line of duty and is compensable.	<ul style="list-style-type: none"> <li>• Firefighters including volunteers.</li> <li>• Rescue squad members including volunteers.</li> <li>• Advanced life support unit members including volunteers.</li> <li>• Paramedics including volunteers.</li> <li>• Police officers and sheriffs.</li> <li>• Health care workers who work at a Title 19 licensed facility or at a care setting where patients are diagnosed with COVID-19.</li> </ul>	Applies prospectively.
	<a href="#"><u>SB 860</u></a>	Introduced (Feb. 9, 2021)	Creates a rebuttable presumption that public school employees who contract COVID-19, suffered from an occupational disease that was	<ul style="list-style-type: none"> <li>• Paid public school employees including teachers, administrators and support staff who are covered employees.</li> </ul>	Applies retroactively to March 1, 2021 and

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			suffered in the course of employment and is compensable.		prospectively to July 31, 2022.
<b>Massachusetts</b>	<a href="#">HD 2941</a>	Introduced (Feb. 18, 2021)	Creates a rebuttable presumption that an emergency response or medical personnel employee who contracts COVID-19 was performing his or her regular duties at the time of contraction for any claim for compensation where the employee has been diagnosed with COVID-19.	<ul style="list-style-type: none"> <li>• Health-care employees and non-medical employees at hospitals, chronic disease rehabilitation centers, nursing homes, rest homes, community health centers, psychiatric hospitals, and out-patient health care facilities.</li> <li>• Health-care employees working in prisons and correctional facilities.</li> <li>• At home certified nursing assistants.</li> <li>• At-home personal care assistants.</li> <li>• Emergency medical technicians</li> <li>• Paramedics.</li> </ul>	Applies prospectively.
<b>Minnesota</b>	<a href="#">HF 37 / SF 105</a> / <a href="#">HF 2</a>	Introduction and referred to the House Labor, Industry, Veterans and Military Affairs Finance and Policy Committee (Jan. 11, 2021)	Creates a rebuttable presumption that teachers, school administrators and 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"> <li>• Teachers or school administrators employed by a school district, charter school, or nonpublic school.</li> <li>• 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.</li> </ul>	Applies retroactively for employees who contracted COVID-19 on or after July 15, 2020 and prospectively until July 30, 2021.

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				<ul style="list-style-type: none"> <li>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.</li> </ul>	
	<a href="#">SF 719</a>	Introduced (Feb. 8, 2021)	Creates a rebuttable presumption for compensation under Minnesota’s workers’ compensation law that school employees who contracts COVID-19 are presumed to have an occupational disease arising out of and in the course of employment.	<ul style="list-style-type: none"> <li>Teachers.</li> <li>School administrators.</li> <li>Contract employees who provide student-related services.</li> <li>Any other person employed by the school district, charter school, or nonpublic school.</li> </ul>	Applies retroactively for employees who contracted COVID-19 on or after July 15, 2020 and prospectively until July 30, 2021.
	<a href="#">SF 1203/</a> <a href="#">HF 1203</a>	Introduced (Feb. 18, 2021)	Extends the <a href="#">previously passed COVID-19 related presumption</a> for workers' compensation claims to May 1, 2022.	<ul style="list-style-type: none"> <li>Licensed peace officers.</li> <li>Firefighters.</li> <li>Paramedics.</li> <li>Nurses.</li> <li>Healthcare workers.</li> <li>Correction officers and security counselors employed by the state or a political subdivision at a corrections, detention, or secure treatment facility.</li> <li>Emergency medical technicians.</li> <li>Health care providers, nurses, and assistive employees employed in a health care, home care, or long-term care setting, with direct COVID-19</li> </ul>	Applies prospectively until May 1, 2022.

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				<p>patient care or ancillary work in COVID-19 patient units.</p> <ul style="list-style-type: none"> <li>Workers who are required to provide childcare to first responders and health care workers under Executive Orders 20-02 and 20-19.</li> </ul>	
<b>Missouri</b>	<a href="#">HB 1246</a>	Introduced (Feb. 23, 2021)	<p>Creates a rebuttable presumption that a paid, volunteer, or retired firefighter, paramedic, or emergency medical technician, or paid emergency or 9-1-1 dispatcher, who contracts any infectious disease or disease of the lungs or respiratory tract has an occupational disease if there is reasonable medical evidence that a person contracting the disease was free of the disease at the beginning of his or her employment.</p> <p>Requires that the employer provide reasonable medical evidence, if the employer fails to provide such reasonable medical evidence, the employee shall have the benefit of the presumption regardless of the absence of reasonable medical evidence.</p>	<ul style="list-style-type: none"> <li>Paid, volunteer, or retired firefighters.</li> <li>Paramedics.</li> <li>Emergency medical technicians.</li> <li>Paid emergency or 9-1-1 dispatcher.</li> </ul>	Applies prospectively.
<b>Montana</b>	<a href="#">HB 297</a>	Introduced (Feb. 3, 2020)	Creates a conclusive presumption that a nurse who contracts COVID-19 contracted a compensable occupational disease arising out of and in the course of employment if	<ul style="list-style-type: none"> <li>Registered professional nurses.</li> <li>Licensed practical nurses.</li> </ul>	Applies retroactively to March 12, 2020 and prospectively to March 12, 2030.

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			he or she was exposed to COVID-19 in the course of employment as a nurse.		
	<a href="#">HB 550</a>	Introduced (Feb. 23, 2021)	Creates a rebuttable presumption that an essential employee who contracts COVID-19 contracted an occupational disease arising out of and in the course of employment if the employee is exposed to COVID-19 in the course of employment as an essential worker.	Applies to the following employees provided that they were required to work at the physical location of the employment at any time, up to 20 days prior to the diagnosis of COVID-19: <ul style="list-style-type: none"> <li>• Public safety employees.</li> <li>• School employees.</li> <li>• Any other employees declared to be essential employee by a public health order of the governor or federal directive.</li> </ul>	Applies retroactively to March 12, 2020 and prospectively to March 12, 2030.
<b>Nebraska</b>	<a href="#">LB 441</a>	Introduced (January 15, 2021)	Creates a rebuttable presumption that an essential worker who otherwise qualifies for workers' compensation is presumed to have suffered from an accident arising out of and in the course of his or her employment if he or she is: <ul style="list-style-type: none"> <li>• confirmed as COVID-19 positive on or after March 13, 2020, either by physician or by test,</li> <li>• has COVID-19 listed as the cause of death on the essential worker's death certificate, or</li> <li>• is quarantined at the direction of the employer due to suspected COVID-19 exposure</li> </ul>	<ul style="list-style-type: none"> <li>• Peace officers.</li> <li>• Firefighters.</li> <li>• Members of an emergency rescue team.</li> <li>• Emergency management workers.</li> <li>• On-call members of a life support agency.</li> <li>• State or local government employees that are required to work within the secured perimeter of a penal institution.</li> <li>• Employees of a youth rehabilitation and treatment center.</li> <li>• Employees of a regional center.</li> </ul>	Applies both prospectively and retroactively to March 13, 2020.

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			or the display of any COVID-19 symptoms.	<ul style="list-style-type: none"> <li>• Food processing employees who are employed in a meatpacking operation.</li> <li>• Public or private school employees.</li> <li>• Grocery store employees.</li> <li>• Public works, utilities, or garbage disposal employees.</li> <li>• Truck drivers.</li> <li>• Mortuary or funeral home employees.</li> <li>• Childcare employees.</li> <li>• Postal service employees.</li> <li>• Any other individuals employed by an essential or life sustaining business or occupation.</li> </ul>	
<b>New Mexico</b>	<a href="#">HB 268</a>	Introduced (Feb. 9, 2021); Passed in the House (Mar. 8, 2021)	<p>Creates a rebuttable presumption that if an essential employee is diagnosed with COVID-19, the condition is: (1) an accidental injury arising out of and in the course of employment; (2) reasonably incident to and proximately caused by employment; and (3) a disability that is a natural and direct result of the accident.</p> <p>The essential employee must establish that the employer has not strictly complied with the then existent public health orders related to COVID-19 to qualify for these presumptions.</p>	<ul style="list-style-type: none"> <li>• Public safety employees.</li> <li>• School employees.</li> <li>• Employees declared to be an essential employee pursuant to a public health order of the governor or the secretary of health provided that the employee was required to work at the physical location of employment at any time, up to twenty days prior to the diagnosis of COVID-19.</li> </ul>	Applies prospectively until January 31, 2023.

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	<a href="#">SB 261</a>	Introduced (Feb. 1, 2021)	Creates a rebuttable presumption that firefighters who contract a virus or disease that has been declared a pandemic by the president of the United States, the governor of New Mexico, the world health organization or the federal centers for disease control and prevention, including the COVID-19 and other future qualifying pandemics, contracted it through their employment as a firefighter.	<ul style="list-style-type: none"> <li>• Firefighters.</li> </ul>	Applies to claims for benefits filed on or after the effective date of this act.
<b>New York</b>	<a href="#">A 2127</a>	Introduced (Jan. 14, 2021)	Created a rebuttable presumption that, for the purpose of workers compensation, treatment rendered by a medical provider for COVID-19 was done on an emergent basis and therefor does not require prior authorization.	<ul style="list-style-type: none"> <li>• Medical providers.</li> </ul>	Applies prospectively.
	<a href="#">AB 1560/ SB 1963</a>	Introduced in Assembly (Jan. 11, 2021); Introduced in Senate (Jan. 16, 2021)	Creates a rebuttable presumption for the purposes of New York volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, that a volunteer firefighter or ambulance worker who experienced any condition of impairment of health caused by exposure to COVID-19 during a state of emergency, and tested positive for COVID-19, contracted it in the performance and discharge of duty and not due to such firefighter's own negligence.	<ul style="list-style-type: none"> <li>• Volunteer firefighters.</li> <li>• Volunteer ambulance workers.</li> </ul>	Applies prospectively.



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	<a href="#">A 6117 / S 1241</a>	Introduced (Mar. 10, 2021)	Defines COVID-19 as an occupational disease and requires that workers' compensation be payable for disabilities sustained or death incurred by specified employees resulting from exposure to COVID-19.	<ul style="list-style-type: none"> <li>• Employees who did any work that required them to be 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 COVID-19.</li> <li>• Employees that did any and all work that could expose them to COVID-19, which shall include, but not be limited to 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, work for any businesses deemed to provide essential services during an outbreak of the COVID-19.</li> <li>• Employees that did any work outside the home during a period of closure of non-</li> </ul>	Applies prospectively.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
				essential businesses, or public employment during an outbreak of COVID-19.	
	<a href="#">AB 1560/ SB 1963</a>	Introduced in Assembly (Jan. 11, 2021); Introduced in Senate (Jan. 16, 2021)	Creates a rebuttable presumption for the purposes of New York volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, that a volunteer firefighter or ambulance worker who experienced any condition of impairment of health caused by exposure to COVID-19 during a state of emergency, and tested positive for COVID-19, contracted it in the performance and discharge of duty and not due to such firefighter's own negligence.	<ul style="list-style-type: none"> <li>• Volunteer firefighters.</li> <li>• Volunteer ambulance workers.</li> </ul>	Applies prospectively.
<b>North Dakota</b>	<a href="#">HB 1433</a>	Introduced (Jan. 18, 2021)	Creates a rebuttable presumption that an essential worker's exposure to and contraction of COVID-19 arose out of and in the course of employment and is presumed to be causally connected to the hazards or exposures of the essential worker's employment.	<ul style="list-style-type: none"> <li>• Essential workers.</li> </ul>	Applies retroactively to claims filed after March 24, 2020 and prospectively through July 31, 2023.
<b>Oklahoma</b>	<a href="#">HB 2239</a>	Introduced (Feb. 1, 2021); passed by the House (Mar. 10, 2021)	Creates a rebuttable presumption for compensation under Oklahoma's workers' compensation law that a first responder who tests positive for COVID-19 contracted	<ul style="list-style-type: none"> <li>• Peace officers and reserve peace officers.</li> <li>• Firefighters and volunteer firefighters.</li> <li>• Emergency medical technicians.</li> </ul>	Applies prospectively.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
			it in the course and scope of employment.		
<b>Oregon</b>	<a href="#">SB 488 / HB 3025</a>	Introduced in the Senate (Jan. 11, 2021); Introduced in the House (Jan. 21, 2021)	Creates a rebuttable presumption that essential workers who contract COVID-19, are presumed to have an occupational disease arising out of and in the course of employment.	<p>An employee who, at an employer’s direction, must or may work at the subject worker’s regular or temporarily assigned work site during a period in which a declaration of a state of emergency issued by the Governor is in effect and works in one of the following occupations:</p> <ul style="list-style-type: none"> <li>• Public safety personnel.</li> <li>• Peace officers.</li> <li>• Medical services providers.</li> <li>• Employees of a retail store, including a grocery store.</li> <li>• Employees of a public, private or charter school.</li> <li>• Employees of a child care facility, who cares for the dependent of another essential worker.</li> <li>• Agricultural workers.</li> <li>• Janitorial worker who provides services in specified locations, buildings or facilities.</li> <li>• Employees whose workplace has more than 10 employees working at the work site and 10 percent or more of the employees at the work site have tested positive or presumptively positive for COVID-19.</li> <li>• Employees whose work place has less than 10 employees</li> </ul>	<p>Applies prospectively until the 180th day following the expiration or termination of the Governor’s March 8, 2020, declaration of emergency. <b>(This sunset provision only appears in the Senate bill.)</b></p> <p>Applies to compensation claims that were submitted and were pending but for which compensability was not yet determined before the effective date of this Act.</p>

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
				work at the work site and two or more employees at the work site have tested positive or presumptively positive for COVID-19.	
<b>Rhode Island</b>	<a href="#">HB 5264</a>	Introduced (Jan. 29, 2021)	Creates a rebuttable presumption that for specified employees' disability or quarantine resulting from COVID-19 or any other viral infection, during a declared state of emergency by executive order due to COVID-19 or other viral infection, is a compensable occupational disease arising out of and in the course of an employee's employment.	Applies to the following employees if they have direct or indirect contact with persons with COVID-19 or other viral infections as classified by executive order during a declared state of emergency: <ul style="list-style-type: none"> <li>• Licensed health care workers and direct support professionals employed in a health care, congregate care, home care or long-term care setting.</li> <li>• Public safety workers.</li> <li>• Essential workers (any employee whose employment is necessary for the continued health and safety of the community).</li> <li>• Transportation workers.</li> <li>• Any other class of employees designated by an executive order of the governor issued during a declared state of emergency.</li> </ul>	Applies prospectively.
	<a href="#">HB 5474</a>	Introduced (Feb. 10, 2021)	Creates a rebuttable presumption for compensation under Rhode Island's workers' compensation law that, for public safety officials who	Public safety official -- whether the workers are citizens, documented or undocumented immigrants -- including, but not limited to:	Applies prospectively.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
			contract, have symptoms of or otherwise become infected with COVID-19, their medical condition or incapacity is work-related.	<ul style="list-style-type: none"> <li>• Police, fire, EMS, medical facility workers.</li> <li>• Correctional officers.</li> <li>• Dispatchers.</li> <li>• Paramedics.</li> <li>• Pharmacists.</li> <li>• Pharmaceutical technicians.</li> <li>• Grocery or retail workers.</li> <li>• Essential state and municipal employees</li> <li>• Public transportation employees.</li> <li>• Parcel and freight delivery employees.</li> <li>• Truck drivers.</li> <li>• Utility workers.</li> </ul>	
<b>Texas</b>	<a href="#"><u>SB 433 / SB 439</u></a>	Introduced (Jan. 25, 2021)	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"> <li>• Nurses.</li> </ul>	Applies retroactively and prospectively to February 1, 2020.
	<a href="#"><u>SB 612</u></a>	Introduced (Feb. 8, 2021)	Creates a rebuttable presumption of compensability that school employees who suffer from COVID-19 resulting in disability or death, contracted the disease during the course and scope of their employment.	<ul style="list-style-type: none"> <li>• School employees who (1) interact with a student or a school district employee who is later diagnosed with COVID-19 and (2) who contracts the disease within 14 days following the date that the employee came in contact with the student or school district employee.</li> </ul>	Applies retroactively and prospectively to February 1, 2020.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
	<a href="#">HB 1498 / SB 463 / SB 527</a>	Introduced in House (Feb. 1, 2021); Introduced in Senate (Jan. 29, 2021)	Creates a rebuttable presumption for compensation under Texas’s workers’ compensation laws that a detention officer, firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis for a disaster declared by the governor for all or part of the state and dies or is totally or partially disabled as a result of the disease, contracted the disease during the course and scope of employment.	<ul style="list-style-type: none"> <li>• Detention officers.</li> <li>• Firefighters.</li> <li>• Peace officers.</li> <li>• Emergency medical technicians.</li> </ul>	Applies prospectively.
	<a href="#">HB 3816</a>	Introduced (Mar. 11, 2021)	Creates a rebuttable presumption for compensation under Texas’s workers’ compensation laws that a detention officer, firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis for a disaster declared by the governor for all or part of the state and dies or is totally or partially disabled as a result of the disease, contracted the disease during the course and scope of employment.	<ul style="list-style-type: none"> <li>• Detention officers.</li> <li>• Firefighters.</li> <li>• Peace officers.</li> <li>• Emergency medical technicians.</li> </ul>	Applies prospectively.  A person who filed a claim for benefits, compensation, or assistance related to COVID-19 on or after February 1, 2020, but before the effective date of this Act, and whose claim was subsequently denied may file another claim on or after the effective date of this Act, and the changes in law made by this Act apply to that claim.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
Vermont	<a href="#">S 9</a>	<b>ENACTED</b> (Feb. 4, 2021)	Extend the rebuttable presumption that certain workers who are diagnosed with COVID-19 are entitled to workers' compensation for the disease from the previous cutoff of January 15, 2021 to instead last until 30 days after the termination of Vermont's state of emergency declaration in response to COVID-19.	<ul style="list-style-type: none"> <li>• Frontline workers.</li> <li>• Other workers who had a documented exposure to COVID-19 while working.</li> </ul>	Applies both retroactively and prospectively to January 15, 2021.
Virginia	<a href="#">HB 1818</a>	Introduced (Jan. 6, 2021)	Creates a rebuttable presumption for salaried and volunteer emergency medical services personnel that their death or disability from respiratory disease, hypertension or heart disease, and cancer will be presumed to be an occupational disease, suffered in the line of duty.	<ul style="list-style-type: none"> <li>• Salaried and volunteer emergency medical services personnel.</li> </ul>	Applies prospectively.
	<a href="#">HB 1985</a>	Introduced (Jan. 11, 2021); Passed in the House (Feb. 3, 2021); Amended version passed in the Senate (Feb. 18, 2021); Amended by conference committee and agreed to by House (Feb. 25, 2021); conference report agreed to by Senate (Feb. 27, 2021);	Creates a rebuttable presumption that any health care provider who as part of the provider's employment is directly involved in diagnosing or treating persons known or suspected to have COVID-19, and for whom COVID-19 caused death or any health condition or impairment resulting in total or partial disability, has an occupational disease suffered in the line of duty.	<ul style="list-style-type: none"> <li>• Any health care provider who as part of the provider's employment is directly involved in diagnosing or treating persons known or suspected to have COVID-19.</li> <li>• Does <u>not</u> apply to employees whose employer offers them a vaccine for the prevention of COVID-19, unless the employ has a written declaration from his or her physician that vaccination would pose them a</li> </ul>	Applies retroactively to March 12, 2020 and prospectively until December 31, 2021.

State	Bill	Procedural Posture	Presumption of Compensability	Applicable Employees	Other Provisions
		Sent to the Governor for signature (Mar. 15, 2021)		significant health risk.	
	<a href="#">SB 1375 / HB 2207</a>	Amended by conference committee, language now the same as HB 2207 (Feb. 25, 2021); Sent to the Governor for signature (Mar. 15, 2021)	Creates a rebuttable presumption that any firefighter, law-enforcement officer, correctional officer or regional jail officer who contracts COVID-19 is presumed to have an occupational disease suffered in the line of duty.	<ul style="list-style-type: none"> <li>• Firefighters.</li> <li>• Law-enforcement officers</li> <li>• Correctional officers.</li> <li>• Regional jail officers.</li> </ul>	Applies retroactively to September 1, 2020 and prospectively to December 31, 2021.
<b>Washington</b>	<a href="#">SB 5190</a>	Introduced (Jan. 13, 2021); Passed Senate Feb. 25, 2021)	Creates a rebuttable presumption for healthcare employees that any infectious or contagious disease which is the subject of a public health emergency is an occupational disease during that public health emergency and health care employees who are exposed to it are presumed to have been exposed at the health care facility.	<ul style="list-style-type: none"> <li>• Healthcare employees.</li> </ul>	Applies prospectively.
<b>Wisconsin</b>	<a href="#">AB 31</a>	Introduced (Feb. 3, 2021)	Creates a rebuttable presumption for compensation under Wisconsin's workers' compensation law that an injury caused to a critical worker by COVID-19 was caused by the individual's employment.	<ul style="list-style-type: none"> <li>• Critical workers (as determined by the Wisconsin Secretary of Health Services under the authority granted in 323.19 (3p)).</li> </ul>	Applies prospectively through December 31, 2021.