

SENATE BILL 10

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EMERGENCY BILL
(PRE-FILED)

2lr1223

By: **Senator Jackson**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – COVID-19 Occupational Disease Presumption**

3 FOR the purpose of establishing that first responders, public safety employees, and health
4 care workers are presumed to have an occupational disease that is compensable
5 under workers' compensation law after a positive test or diagnosis for COVID-19;
6 applying this Act retroactively; and generally relating to an occupational disease
7 presumption for COVID-19 under workers' compensation law.

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That:

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) "COVID-19" means, interchangeably and collectively, the coronavirus
12 disease known as COVID-19 or 2019-nCoV and the SARS-CoV-2 virus or any of its
13 variants.

14 (3) "First responder or public safety employee" means:

15 (i) a career or volunteer member of a fire department, an ambulance
16 company or squad, or a rescue company or squad, including:

17 1. a firefighter; and

18 2. an emergency medical technician;

19 (ii) a law enforcement officer;

20 (iii) a correctional officer;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) a member of the Maryland National Guard; or

2 (v) a sworn member of the State Fire Marshal's office.

3 (4) "Health care worker" means an individual whose primary place of
4 employment is a facility licensed under Title 19 of the Health – General Article or an
5 individual employed in a health care, home care, or long-term care setting whose duties
6 include direct patient care or ancillary work in areas where patients diagnosed with
7 COVID-19 are treated.

8 (5) "Occupational disease" has the meaning stated in § 9-101 of the Labor
9 and Employment Article.

10 (b) Notwithstanding any other provision of law, a first responder or public safety
11 employee or health care worker is presumed to have an occupational disease that is
12 compensable under Title 9 of the Labor and Employment Article if:

13 (1) on or after March 1, 2020, the individual tested positive for or was
14 diagnosed with COVID-19 within 14 days after a day that the individual performed labor
15 or services at the individual's primary workplace or another assigned workplace that is not
16 the individual's home at the employer's direction; and

17 (2) the test was performed or the diagnosis was made by a health care
18 practitioner who is licensed, certified, or otherwise authorized under the Health
19 Occupations Article to perform the test or make the diagnosis.

20 (c) The presumption under subsection (b) of this section is rebuttable with
21 substantial evidence to the contrary that demonstrates that the individual tested positive
22 for or was diagnosed with COVID-19 for reasons not arising out of and in the course of
23 employment.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
25 apply retroactively and shall be applied to and interpreted to affect workers' compensation
26 claims filed on or after March 1, 2020.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
28 measure, is necessary for the immediate preservation of the public health or safety, has
29 been passed by a yea and nay vote supported by three-fifths of all the members elected to
30 each of the two Houses of the General Assembly, and shall take effect from the date it is
31 enacted. It shall remain effective through July 31, 2023, and, at the end of July 31, 2023,
32 this Act, with no further action required by the General Assembly, shall be abrogated and
33 of no further force and effect.