



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 10

Workers' Compensation – COVID-19 Occupational Disease Presumption

Senate Finance Committee

Tuesday, March 8, 2022

Dear Chairwoman Kelley and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,500 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

As introduced, SB 10 seeks to retroactively establish that the coronavirus will be presumed, under certain circumstances, to be an occupational disease that was suffered in the line of duty or course of employment and is therefore compensable as a workers' compensation claim. It is of particular concern to the Maryland Chamber that the bill would be applied retroactively, in violation of the constitution.

While the Maryland Chamber of Commerce supports workers' compensation presumption policy that places the science and data first when determining what occupations are at an increased risk to dangerous exposures, at this point, scientific studies are still lacking. By including such broad definitions of qualifying healthcare workers, SB 10 is granting presumption to employees where data does not exist showing which are at an increased risk of contracting the coronavirus.

Additionally, SB 10 places exposure to COVID-19 as an occupational disease, the wrong cause of action for workers' compensation claims in this instance. Exposure to the coronavirus should be placed as an accidental injury. Further, by adding the coronavirus as a presumptive occupational disease, SB 10 opens the door to include other common community diseases such as the flu.

Finally, it is the understanding of the Chamber that some employers have voluntarily accepted and paid COVID claims while others have provided alternative benefits for employees impacted by COVID. Moreover, the Workers' Compensation Commission is already hearing and finding COVID claims compensable on a case-by-case basis. It should be left to the WCC to make these determinations.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on SB 10.