



6240 Old Dobbin Lane ■ Suite 110 ■ Columbia, MD 21045

February 18, 2021

The Honorable Delores G. Kelley
Chair, Senate Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

The Honorable Delegate Dereck E. Davis
Chair, Economic Matters Committee
Room 231
House Office Building
Annapolis, Maryland 21401

Re: UNFAVORABLE

**Subj: SB 813 - Workers' Compensation – Occupational Disease Presumptions – COVID-19
HB 1199 - Workers' Compensation – Occupational Disease Presumptions – COVID-19**

Dear Senator Kelley and Delegate Davis:

The Howard County Chamber of Commerce (“Chamber”) is a business organization comprised of small business, corporations, non-profits, and governmental agencies all working together for the betterment of the Howard County business community. Our mission is to provide advocacy, connections, and access to timely information to advance the growth and success of the Howard County business community. I write to you at this moment on behalf of our 700 plus member companies out of concerns relative to the administrative and legal pitfalls that would arise from the ill-advised occupational disease presumptions proposed by SB 813 and HB 1199.

These legislative proposals would amend the occupational disease provisions in the Workers’ Compensation Law Section 9-503 to include Covid 19) as an infectious disease. This may be the first time any state has assigned a presumption to a contagious condition that can be transmitted via multiple possible encounters in the community. The only recourse available to the employer in this bill would be to prove the employee was exposed outside the workplace.

If enacted, anyone on the list of job descriptions listed below would be presumed to be suffering from an occupational disease that occurred in the course of employment and is eligible to receive Workers’ Compensation if ‘the individual is suffering from the effects of severe acute respiratory syndrome coronavirus.’ Covered individuals include:

1. First responders: health care workers; firefighters; rescue squad members; members of advanced life support units; paid police officers; sheriffs, deputy sheriffs, or correctional officers.
2. patients or the children of: first responders or health care workers;
3. people who occupy, clean, or repair areas occupied by patients, children, or health care workers of first responders.
4. An “essential worker who is required to work on the premises of a business or government agency that has been declared essential during a declared state of emergency or under an executive order issued by a local, state, or federal authority.”

The current presumptions in the Section 9-503 relate to chronic health conditions for exposure to toxic materials or work-related stress that result in lung disease heart disease, hypertension, leukemia, prostate, rectal, throat, multiple myeloma, non–Hodgkin’s lymphoma, brain, testicular, bladder, kidney or renal cell, or breast cancer, none of which are infectious conditions.



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Three concerns to consider:

1. It not reasonably possible to accurately determine where someone was exposed to an infectious disease such as COVID-19. Never-the-less this bill provides that every case where an employee has been infected with COVID 19 among the designated classifications would be eligible to file an occupational disease claim under the Workers' Compensation Law;
2. Claimants would be eligible for Temporary Total Benefits, Permanent Partial Benefits, Permanent Total Benefits and Death Benefits, the cost for which would increase employer costs for Worker's Compensation significantly for years to come; and
3. If this president were established, the General Assembly should expect that there would be a litany of other diseases that could be proposed year after year on behalf of workers who will want to add their illness to the list of infectious, occupational diseases that qualify for a presumption under the Workers' Compensation Law i.e., Flu, STDs, etc.

Workers' Compensation is not a health care or a social benefit program. It is a insurance program that was created over 100 years ago to provide injured workers with prompt, quality medical care and reimburse the loss of income when there is a work-related injury or occupational disease.

That is not to say are not some individuals, such as those working in hospitals in close proximity with COVID-19 patients, who might be able to assign their infection to their work. However, those individuals would qualify for Workers' Compensation should they choose to file a claim.

The members of the Howard County Chamber of Commerce view COVID-19 as a worldwide pandemic not an occupational disease and hope that the members of the Economic Matters Committee will agree that the to vote Unfavorable on SB 813 and HB 1199.

For questions on the Chamber's concerns, I can be reached directly at 443-878-1234.

Respectfully,

Leonardo McClarty
President, Howard County Chamber of Commerce

CC: Howard County General Assembly Delegation
Howard County Chamber Board of Directors
Howard County Legislative Affairs Committee Members