

MHLA
Maryland Hotel
Lodging Association

SB 813 - Oppose
Workers' Compensation – Occupational Disease Presumptions – COVID-19
Senate Finance Committee
March 9, 2021

Dear Chairwoman Kelley and Members of the Committee:

As the sole statewide trade association dedicated to advocacy for Maryland's lodging industry, with more than 700 hotels totaling 75,000+ rooms, we request an unfavorable report on SB 813.

Conditions Don't Warrant a Broad Presumption

When the "Stay at Home" Executive Order was issued by Governor Hogan, the entire state was subject to it; except essential workers. At that moment in time, those workers may have been subject to a higher risk for contracting COVID-19 because they were, for purposes of their employment, the only Marylanders not actively sheltering in place. Maryland is no longer subject to that order, and business of all varieties are open and will be open for the life of the presumption established by SB 813. Marylanders are getting back to their lives the best they know how, and the law should not make Maryland employers financially responsible for the actions of employees outside of the workplace.

The current CDC guidance and requirements on re-opening various workplaces means that employers have been and continue to invest massively in procedures, training, equipment, and facility modifications to protect their employees. A person's place of employment is most likely the place where they are most compliant with masking, social distancing, and other protections. Due to the prevalence of community spread, and despite the best efforts of employers, reality is all individuals are at risk anytime they are out in public or gathered with others within their own homes.

The presumption policy proposed by SB 813 would cause the workers' compensation system to absorb an unknown number of COVID-19 infections that were not work related. With no demonstrable problem we simply don't believe this is necessary.

Increased Liability for Hotels will Hinder Maryland's Broader Emergency Response

Designating COVID-19 as a presumptive occupational disease for workers' compensation purposes in the hospitality sector will hinder the state's broader emergency response efforts. Through various stages of this public health emergency, hotels across the state have been depended upon to house COVID patients, first responders, healthcare workers, unsheltered populations, and function as vaccination sites. This policy change would increase liability for hotel operators to a prohibitive extent, potentially leaving

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them unable to accommodate arrangements involving high-risk populations that need to self-isolate.

Hotels that have already agreed to work with the state or local governments to accommodate high-risk populations will effectively be left out to dry as this policy change would exponentially increase their legal and financial exposure overnight.

In conclusion, we welcome every opportunity to partner with policy makers and government officials on recovery efforts in Maryland. However, we are deeply concerned by the long-term cost implications of such a unilateral presumption including “essential businesses” on the other side of this pandemic, given the extreme impacts being felt in the lodging industry now.

For these reasons, we urge an unfavorable report on SB 813.

Respectfully submitted,

Amy Rohrer, CAE
President & CEO