



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 813

Workers' Compensation – Occupational Disease Presumptions – COVID-19

Senate Finance Committee

Tuesday, March 9, 2021

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 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

As introduced, SB 813 seeks to 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 SB 813 includes "child-care worker" that looks after the children of first responders, a broad definition of "health care worker" that would include employees that do not encounter individuals diagnosed with COVID-19, "educational worker" which includes anyone who works in a school or institution of higher education, and "essential worker" which would include many occupations that are not at high risk of COVID-19 exposure.

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 showing a higher incidence of infection by industry are lacking or non-existent and additional time is needed for studies to catch up. By including such broad definitions of qualifying occupations, SB 813 is granting presumption to employees where data does not exist showing they are at an increased risk of contracting the coronavirus. Additionally, SB 813 places exposure to COVID-19 as an occupational disease, which would likely be 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 813 opens the door to include other common community diseases such as the flu. As the vaccination rollout places the occupations included in SB 813 at a high priority already, the concern of high exposure should be addressed.

Finally, it is the understanding of the Chamber that 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, particularly with the lack of data around what occupations truly constitute higher risk of exposure.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on SB 813.

