



**Testimony of**

**American Property Casualty Insurance Association (APCIA)**

**Senate Finance Committee**

**Senate Bill 431 -Workers' Compensation - Occupational Disease Presumption - Long COVID**

**(Home of the Brave Act of 2024)**

**March 5, 2024**

**Unfavorable**

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 67% of the U.S. property and casualty insurance market, including 89% percent of Maryland's workers' compensation market. APCIA appreciates the opportunity to provide written comments in opposition to Senate Bill 431.

APCIA opposes Senate Bill 431, which would establish that that governmental essential workers are presumed to have an occupational disease that is compensable under workers' compensation law after being diagnosed with long COVID. The period of initial covid diagnosis must have occurred during the period of March 5, 2020, to July 15, 2021.

Presumptions of compensability are drastic measures that are rarely enacted because they dispense with the fundamental and reasonable requirement that a worker prove that an injury or illness is work-related. Creating a presumption for long COVID for this class of workers would be particularly incongruous here because the Legislature appropriately did not create a presumption for *underlying* COVID for these workers. A worker with long COVID can already file a claim and prove that it arose out of the course and scope of employment, and the playing field should be kept level instead of unfairly stacking it against employers.

For these reasons, APCIA urges the Committee to provide an unfavorable report on Senate Bill 431.

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