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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

H.B. 571  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Boggs

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### SUMMARY

- Creates a presumption that COVID-19 is an occupational disease under the Workers' Compensation Law for a peace officer, firefighter, or emergency medical worker who contracts COVID-19 during the emergency declared by Executive Order 2020-01D, issued March 9, 2020.
- Allows the presumption to be rebutted by affirmative evidence.
- Applies the presumption to claims arising only during the period of the emergency declared by the Order and to claims arising during the 14-day period after the emergency ends.
- Declares an emergency.

### DETAILED ANALYSIS

#### Presumption that COVID-19 was contracted during employment

For purposes of the Workers' Compensation Law,<sup>1</sup> the bill creates a presumption that a peace officer, firefighter, or emergency medical worker who contracts COVID-19 during the emergency declared by Executive Order 2020-01D, issued March 9, 2020, contracted the disease in the course of and arising out of employment. The presumption only applies to claims arising during the period of the emergency declared by the Order and claims arising during the 14-day period after the emergency ends. The presumption may be rebutted with affirmative evidence.<sup>2</sup>

<sup>1</sup> R.C. Chapters 4121, 4123, 4127, and 4131.

<sup>2</sup> R.C. 4123.68(CC), by reference to 4123.026.

The bill includes the presumption in the schedule of occupational diseases that are compensable under continuing law. An employee who is disabled by a scheduled occupational disease, or the dependent of an employee whose death is caused by the disease, is typically entitled to any compensation and benefits provided by the Law. The schedule, however, is not exclusive; any disease that satisfies the continuing law definition of occupational disease is compensable. For a disease to be considered an occupational disease under the Law, all of the following conditions must be satisfied:

1. The disease is contracted in the course of employment;
2. The employment creates a risk of contracting the disease in greater degree and in a different manner from the general public;
3. Either of the following applies:
  - a. The disease is peculiar to that type of employment by the disease's causes and the characteristics of the disease's manifestations;
  - b. The conditions of the employment results in a hazard that distinguishes the employment in character from employment generally.<sup>3</sup>

## **Emergency**

The bill declares it to be an emergency law, meaning that it will take immediate effect once signed by the Governor.<sup>4</sup>

## **Definitions**

Under continuing law, a "peace officer" means any of the following:

1. A sheriff or deputy sheriff;
2. A marshal or deputy marshal;
3. A member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio;
4. A member of a police force employed by a metropolitan housing authority;
5. A member of a police force employed by a regional transit authority;
6. A state university law enforcement officer;
7. An enforcement agent of the Department of Public Safety;

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<sup>3</sup> R.C. 4123.68; R.C. 4123.01(F), not in the bill, and *State ex rel. Ohio Bell Tel. Co. v. Krise*, 42 Ohio St.2d 247, 253-254 (1975).

<sup>4</sup> Section 3.

8. An employee of the Department of Taxation to whom investigation powers have been delegated under the Cigarette Tax Law;
9. An employee of the Department of Natural Resources who is a natural resources law enforcement staff officer, a forest-fire investigator, a natural resources officer, or a wildlife officer;
10. A person designated to perform law enforcement duties in a park district or conservancy district or by a park commission;
11. A veterans' home police officer;
12. A special police officer employed by a port authority;
13. A township police constable;
14. A police officer of a township or joint police district;
15. A special police officer employed by a municipal corporation at a municipal airport or certain other municipal air navigation facilities;
16. The House of Representatives Sergeant at Arms, if the person has arrest authority, or an assistant House of Representatives Sergeant at Arms;
17. The Senate Sergeant at Arms or an assistant Senate Sergeant at Arms;
18. Certain Bureau of Criminal Identification and Investigation employees or officers;
19. A state fire marshal law enforcement officer;
20. The Superintendent and troopers of the State Highway Patrol, for specified purposes.

Under continuing law, a "firefighter" means a firefighter, whether paid or volunteer, of a lawfully constituted fire department.

Under continuing law, an "emergency medical worker" means any of the following persons, whether the person is paid or a volunteer, so long as the person is certified under Ohio law:

- A first responder;
- An emergency medical technician-basic;
- An emergency medical technician-intermediate;
- An emergency medical technician-paramedic.<sup>5</sup>

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<sup>5</sup> R.C. 4123.026, by reference to 2935.01, not in the bill, and R.C. Chapter 4765.

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## HISTORY

Action	Date
Introduced	03-23-20

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