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H.B. 667
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Rep. Baldrige

Paul Luzzi, Attorney

SUMMARY

- Creates a presumption that COVID-19 is an occupational disease under the Workers' Compensation Law for a corrections officer who contracts COVID-19.
- Allows the presumption to be rebutted by competent evidence.
- Declares an emergency.

DETAILED ANALYSIS

Presumption that COVID-19 was contracted during employment

For purposes of the Workers' Compensation Law,¹ the bill creates a presumption that a corrections officer who contracts COVID-19 contracted the disease in the course of and arising out of the correction officer's employment. The presumption may be refuted with competent evidence. Under the bill, a "corrections officer" is any person employed as a corrections officer by a public or private place used for the confinement of a person charged with or convicted of any state or federal crime or alleged or found to be a delinquent or unruly child under any state or federal law.²

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

¹ R.C. Chapters 4121, 4123, 4127, and 4131.

² R.C. 4123.68(CC).

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.³

Emergency

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

HISTORY

Action	Date
Introduced	05-20-20

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³ 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).

⁴ Section 3.