

SENATE BILL 860

K1, F1

EMERGENCY BILL

11r0672
CF 11r3001

By: **Senators Zucker and Guzzone**

Introduced and read first time: February 9, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – COVID–19 Occupational Disease Presumption**
3 **– Public School Employees**

4 FOR the purpose of establishing that, under certain circumstances, certain public school
5 employees are presumed to have an occupational disease that is compensable under
6 workers' compensation law after a certain positive test or diagnosis for COVID–19;
7 providing that a certain presumption may be rebutted with certain evidence;
8 defining certain terms; providing for the application of this Act; providing for the
9 termination of this Act; making this Act an emergency measure; and generally
10 relating to an occupational disease presumption for COVID–19 under workers'
11 compensation law.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That:

14 (a) (1) In this section the following words have the meanings indicated.

15 (2) "Covered employee" has the meaning stated in § 9–101 of the Labor and
16 Employment Article.

17 (3) "COVID–19" means, interchangeably and collectively, the coronavirus
18 disease known as COVID–19 or 2019–nCoV and the SARS–CoV–2 virus or any of its
19 variants.

20 (4) "Occupational disease" has the meaning stated in § 9–101 of the Labor
21 and Employment Article.

22 (5) "Public school" has the meaning stated in § 1–101 of the Education
23 Article.

24 (b) Notwithstanding any other provision of law, a paid public school employee,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 including a teacher, an administrator, and support staff, who is a covered employee is
2 presumed to have an occupational disease that is compensable under Title 9 of the Labor
3 and Employment Article if:

4 (1) on or after March 1, 2020, the employee tested positive for or was
5 diagnosed with COVID-19 within 14 days after a day that the employee performed labor
6 or services at the public school or another assigned workplace that is not the employee's
7 home at the employer's direction; and

8 (2) the test was performed or the diagnosis was made by a health care
9 practitioner who is licensed, certified, or otherwise authorized under the Health
10 Occupations Article to perform the test or make the diagnosis.

11 (c) The presumption under subsection (b) of this section is rebuttable with
12 substantial evidence to the contrary that demonstrates that the employee tested positive
13 for or was diagnosed with COVID-19 for reasons not arising out of and in the course of
14 employment.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
16 apply retroactively and shall be applied to and interpreted to affect workers' compensation
17 claims filed on or after March 1, 2020.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
19 measure, is necessary for the immediate preservation of the public health or safety, has
20 been passed by a yea and nay vote supported by three-fifths of all the members elected to
21 each of the two Houses of the General Assembly, and shall take effect from the date it is
22 enacted. It shall remain effective through July 31, 2022, and, at the end of July 31, 2022,
23 this Act, with no further action required by the General Assembly, shall be abrogated and
24 of no further force and effect.