

COVID-19 PRESUMPTIVE CAUSATION LAWS

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State	Status	Notes
Alabama	No presumptive causation	No bills pending in Legislature.
Alaska	Conclusive presumption	On April 10, Gov. Mike Dunleavy (R) signed into law SB 241, which contains a conclusive presumption that a firefighter, paramedic, emergency medical technician, peace officer, or health care provider who contracts COVID-19 after an on-the-job exposure contracted the disease as a result of an on-the-job exposure.
Arizona	No presumptive causation	No bills pending in Legislature.
Arkansas	No presumptive causation	No bills pending in Legislature. On April 14, Gov. Asa Hutchison (R) issued an order allowing first responders and healthcare workers to be eligible for workers compensation but only if they can demonstrate a causal connection between their diagnosis of and exposure to COVID-19 as a result of their employment or occupation.
California	No presumptive causation, but in flux	Reports are that Governor Gavin Newsom (D) may establish presumptive causation through taking executive action. Assembly Bill 664, pending in Legislature, would create presumption through legislation.
Colorado	No presumptive causation	No bills pending in Legislature.
Connecticut	No presumptive causation	No bills pending in Legislature.
Delaware	No presumptive causation	No bills pending in Legislature.
District of Columbia	No presumptive causation	No bills pending before Council.

Florida	No presumptive causation, but see notes	<p>On April 1, the Chief Financial Officer for the State of Florida issued a directive applicable only to state employees. The directive, which state agencies can choose not to follow, creates a presumptive causation for employees testing positive for COVID-19.</p> <p>The Florida League of Cities, which runs a workers' comp insurance trust covering many cities and counties, sent a letter to Florida's CFO stating that it will apply a presumption that exposure to COVID-19 is work-related for the purpose of workers' comp for "first responders."</p>
Georgia	No presumptive causation	No bills pending in Legislature.
Hawaii	No presumptive causation	No bills pending in Legislature.
Idaho	No presumptive causation	No bills pending in Legislature.
Illinois	Presumed	<p>On April 13, the Illinois Workers' Compensation Commission announced an "emergency" amendment to its Rules of Evidence establishing presumptive causation if (1) a first responder or front-line worker is diagnosed with COVID-19 during a COVID-19-related state of emergency, and (2) the virus is causally connected to the hazards or exposures of the claimant's employment. The rule shifts the burden of proof to employers to show off-the-job causation. On April 24, after the Illinois Municipal League challenged the Commission's decision and obtained a TRO blocking the rules, the Commission withdrew the rules.</p>
Indiana	No presumptive causation	No bills pending in Legislature.
Iowa	No presumptive causation	No bills pending in Legislature.
Kansas	No presumptive causation	No bills pending in legislature. However, on April 20 Gov. Laura Kelly (D) announced that the Kansas Department of Labor will draft and submit a temporary regulation and develop or prepare potential legislation that will create a presumption that first responders and healthcare workers who contract COVID-19 contracted the disease arising out of, and in the course of their employment. The legislation will be reviewed or

		developed in time for consideration by the Kansas Legislature at the next possible opportunity, special or regular session, whichever occurs first.
Kentucky	Presumed	By executive order on April 9, Gov. Andy Beshear (D) created a presumption that “removal from work by a physician” for COVID-19 is related to the job..
Louisiana	No presumptive causation	No bills pending in legislature.
Maine	No presumptive causation	No bills pending in legislature.
Maryland	No presumptive causation	No bills pending in legislature.
Massachusetts	No presumptive causation	Bills pending in legislature. The Massachusetts Municipal League opposes the legislation and has taken the position that “The solution is to require existing health plans to pay for all medical costs, and to create fully paid COVID-19 hazard duty leave for all first responders, preserving their regular earned sick leave balances.”
Michigan	Presumed	On March 18, Gov. Gretchen Whitmer (D), in conjunction with Michigan’s Department of Labor and Economic Opportunity, issued emergency rules creating an irrebuttable presumption that COVID-19 was caused by the job if (1) the employee is quarantined at the direction of the employer due to confirmed or suspected COVID-19 exposure; (2) receives a COVID-19 diagnosis from a physician; (3) receives a presumptive positive COVID-19 test; or (4) receives a laboratory-confirmed COVID-19 diagnosis.
Minnesota	Presumed	On April 14, Gov. Tim Walz (D) signed H.F. 4537, establishing presumptive causation for emergency first responders and front-line workers unless the employer is able to prove the infection happened elsewhere.
Mississippi	No presumptive causation	No bills pending in legislature.
Missouri	Presumed	On April 8, Governor Mike Parson (R) issued an executive order applicable for the duration of the COVID-19 declared emergency. The order provides in relevant part that a first responder “who has contracted or is quarantined for COVID-19, is presumed to have an occupational disease arising out of and in the course of their employment. Such presumption shall include situations where the First Responder is quarantined at the direction of the employer due to suspected COVID-19 exposure, or the display of any

		COVID-19 symptoms, or receives a presumptive positive COVID-19 test, or receives a COVID-19 diagnosis from a physician, or receives a laboratory–confirmed COVID-19 diagnosis.” The presumption can be overcome by clear and convincing evidence.
Montana	No presumptive causation	No bills pending in legislature.
Nebraska	No presumptive causation	No bills pending in legislature.
Nevada	No presumptive causation	No bills pending in legislature.
New Hampshire	No presumptive causation	No bills pending in legislature.
New Jersey	No presumptive causation	Bills pending in legislature; president of senate has announced support.
New Mexico	No presumptive causation, though in flux	No bills pending in legislature. On April 13, Governor Michelle Lujan Grisham (D) wrote the Workers’ Compensation Commission urging the Commission to “afford first responders, medical personnel, other employees who work at COVID-19-specific care centers, and others whose work brings them into repeated and direct personal contact with those suffering from COVID-19 a presumption that they have suffered a compensable occupational disease if they contract COVID-19 during a period when they have been working directly with patients suffering from COVID-19.”
New York	No presumptive causation	Senate Bill S8117A, pending in Legislature, would create a presumption that impairment of health caused by COVID-19 was incurred in the performance and discharge of duty of certain police, parole and probation officers and other emergency responders.
North Carolina	No presumptive causation	No bills pending in legislature.
North Dakota	Not really	By executive order on March 25, Gov. Doug Burgum (R) allowed workers’ compensation benefits for first responders, but only during quarantine and for a maximum of 14 days. Other claims require first responders to prove “that the infection resulted from a work-related exposure.”
Ohio	No presumptive causation	HB 571, which would create a presumption, is pending in the Ohio legislature.

Oklahoma	No presumptive causation	A group of Oklahoma legislators has written cities and counties expressing the hope that they will accept workers' compensation claims from first responders suffering from COVID-19. However, no bills pending in legislature.
Oregon	No presumptive causation	No bills pending in legislature.
Pennsylvania	No presumptive causation	Three bills are pending. HB 1189 the most advanced and unanimously passed the General Assembly.
Rhode Island	No presumptive causation but in flux	On April 17, Governor Gina Raimondo (D) announced that first responders "who contract coronavirus can now be eligible for workers' compensation." However, no executive order yet issued.
South Carolina	No presumptive causation	No bills pending in legislature.
South Dakota	No presumptive causation	No bills pending in legislature.
Tennessee	No presumptive causation	No bills pending in legislature.
Texas	Presumptive causation, partially	On March 30, Texas Gov. Greg Abbott (R) suspended two sections of the Texas Labor Code during the pandemic, essentially creating a conclusive presumption for public safety employees seeking "medical reimbursements" during the pandemic.
Utah	Likely to be presumed	On April 13, the Legislature approved HB 3007, establishing presumptive causation for first responders exposed to COVID-19 on the job. Awaiting governor's signature.
Vermont	Presumptive causation in existing law, but only for firefighters	21 V.S.A. Section 601 (11)(H)(i) provides that for firefighters and members of a rescue or an ambulance squad, "disability or death resulting from lung disease or an infectious disease either one of which is caused by aerosolized airborne infectious agents or blood-borne pathogens and acquired after a documented occupational exposure in the line of duty to a person with an illness shall be presumed to be compensable, unless it is shown by a preponderance of the evidence that the disease was caused by nonservice-connected risk factors or nonservice-connected exposure."
Virginia	No presumptive causation	No bills pending in legislature.

Washington	Presumed	On March 5, Governor Jay Inslee (D) announced that Washington’s Department of Labor and Industries will pay wage-loss and medical treatment expenses for any health care worker or first responder who is quarantined because of coronavirus exposure or who contracts COVID-19 after been exposed on the job.
West Virginia	No presumptive causation	No bills pending in legislature.
Wisconsin	Limited presumptive causation	On April 15, Gov. Tony Evers (D) signed Assembly Bill 1038, an omnibus COVID-19 bill that, in part, created presumed causation if the public safety employee can show an on-the-job exposure to COVID-19. Because of last-minute amendments to legislation, employee must prove (1) that they had contact with an individual who tested positive for COVID-19; and (2) that the employee has COVID-19. While the governor has announced support for corrective legislation that would ease the employee’s burden of proof, the Legislature is not scheduled to meet for the remainder of the year.
Wyoming	No presumptive causation	No bills pending in Legislature.
Federal Officers	Presumed, with some limitations	The Department of Labor takes the position that “the employment-related incidence of COVID-19 is more likely to occur among members of law enforcement, first responders and front-line medical and public health personnel, and among those whose employment causes them to come into direct and frequent in-person and close proximity contact with the public. If a COVID-19 claim is filed by a person in high-risk employment, the Office of Workers' Compensation Programs will accept that the exposure to COVID-19 was proximately caused by the nature of the employment. If the employer supports the claim and that the exposure occurred, and the CA-1 is filed within 30 days, the employee is eligible to receive Continuation of Pay for up to 45 days.”
Public Safety Officers’ Benefits Act	In flux	On April 9, the Bureau of Justice Administration issued the following statement: “In general, BJA will find that the evidence shows a public safety officer with COVID-19 contracted it in the line of duty, when (1) the officer had engaged in line of duty action or activity under circumstances that indicate that it was medically possible that the officer was exposed to the virus, SARS-CoV-2, while so engaged; and (2) the officer did contract the disease, COVID-19, within a time-frame where it was medically possible to contract the disease from that exposure. In addition, in the absence of evidence showing

		<p>a different cause of death, BJA generally will find that the evidence shows a public safety officer who died while suffering from COVID-19 died as the direct and proximate result of COVID-19.”</p> <p>Representative Jerry Nadler (D-NY) and Senator Chuck Schumer (D.N.Y.) have indicated they will sponsor a bill changing the PSOPA law to include presumptive causation.</p>
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