

STATE	PROCEDURAL POSTURE	PRESUMPTION OF COMPENSABILITY	APPLICABLE EMPLOYEES	DURATION OF APPLICATION
Alaska	SB Enacted May 18	<ul style="list-style-type: none"> <li>Provides that certain employees who contract COVID-19 are conclusively presumed to have contracted it arising out of and in the course of employment.</li> </ul>	<ul style="list-style-type: none"> <li>Firefighters</li> <li>EMTs</li> <li>Paramedics</li> <li>Peace officers</li> <li>Healthcare providers</li> </ul>	<ul style="list-style-type: none"> <li>Applies during the public disaster emergency declared by the governor on March 11, 2020.</li> </ul>
Illinois	HB 2455 Enacted June 5	<ul style="list-style-type: none"> <li>Provides that, in any proceeding before the Workers' Compensation Commission, a COVID-19 first responder or frontline worker's exposure to and/or contraction of COVID-19 will be rebuttably presumed to have arisen out of and in the course of their employment.</li> <li>For the presumption to apply, it requires the employee to provide (1) a confirmed medical diagnosis by a licensed medical provider (for diagnoses occurring before June 15, 2020) or (2) a positive laboratory test for COVID-19 or COVID-19 antibodies.</li> <li>Permits employers to rebut the presumption with evidence that the employee was working from home for 14+ days prior to the COVID-19-related injury, the employer was engaging in applying/enforcing industry-specific standards put forth by federal or state regulators, or the employee was exposed by an alternate source.</li> </ul>	<ul style="list-style-type: none"> <li>First responders (e.g., police, fire personnel, EMTs, paramedics, healthcare providers)</li> <li>Employees of "essential businesses" as defined by the state's stay-at-home order that require employees to encounter members of the general public or work in locations with 15+ employees (e.g., employees of grocery stores, pharmacies, convenience stores)</li> </ul>	<ul style="list-style-type: none"> <li>Applies to cases brought before the commission in which the COVID-19 diagnosis was made on or after March 9, 2020, through Dec. 31, 2020.</li> </ul>
Minnesota	HF 4537 Enacted April 14	<ul style="list-style-type: none"> <li>Provides that certain employees who contract COVID-19 will be rebuttably presumed to have contracted an "occupational disease," as provided for under the existing workers compensation laws, arising out of and in the course of employment.</li> <li>For the presumption to apply, the employee must provide confirmation via a positive lab test (or, if such a test is unavailable, written documentation of a diagnosis based on the employee's symptoms) to the employer or insurer.</li> <li>Permits employers to rebut the presumption only if the employer or insurer shows that the employment was not a direct cause of the disease.</li> </ul>	<ul style="list-style-type: none"> <li>Peace officers</li> <li>Firefighters</li> <li>Paramedics</li> <li>Nurses or healthcare workers, correctional officers, etc.</li> <li>EMTs</li> <li>Healthcare providers with direct or ancillary COVID-19 patient care</li> <li>Childcare workers providing care to first responders' or healthcare workers' families</li> </ul>	<ul style="list-style-type: none"> <li>Applies to employees who contract COVID-19 on/after April 14, 2020, through May 1, 2021.</li> </ul>
New Jersey	S 2380 Note: As of press time, this had not been enacted but passed both houses July 30.	<ul style="list-style-type: none"> <li>Provides a rebuttable presumption that the contraction of COVID-19 by an essential employee is work-related.</li> <li>For the presumption to apply, the essential employee must perform functions pertaining to their role as an essential employee and involving interactions with the public during the public health emergency.</li> <li>Permits rebuttal of the presumption by a preponderance of the evidence showing that the employee was not exposed to the disease.</li> </ul>	<ul style="list-style-type: none"> <li>Healthcare workers</li> <li>Public safety workers</li> <li>Essential employees (as designated by state or federal emergency responses)</li> </ul>	<ul style="list-style-type: none"> <li>Applies both prospectively and retroactively to March 9, 2020.</li> </ul>
Utah	HB 5006 Enacted June 25 Note: This bill amends the state's HB 3007, which was enacted on April 22, to clarify its definitional scope.	<ul style="list-style-type: none"> <li>Provides that first responders who claim to have contracted COVID-19 during the performance of their duties are presumed to have contracted COVID-19 during the course of performing their duties.</li> <li>For the presumption to apply, the first responder must provide written documentation of a COVID-19 diagnosis to their employer or insurer (i.e., a first responder who refuses examination for COVID-19 or fails to be diagnosed with COVID-19 is not entitled to the presumption).</li> <li>Permits the presumption to be rebutted by a preponderance of the evidence.</li> </ul>	<ul style="list-style-type: none"> <li>Individuals employed by healthcare facilities, nursing homes, pharmacies, labs/medical testing facilities, etc.</li> <li>Individuals employed by, working with, volunteering for, or working at the direction of a local health department</li> </ul>	<ul style="list-style-type: none"> <li>Applies to claims resulting from exposure arising on or after March 21, 2020, and before June 1, 2021.</li> </ul>
Vermont	SB 342 Enacted July 13	<ul style="list-style-type: none"> <li>Provides that a frontline worker's disability or death resulting from COVID-19 will be presumed to be compensable.</li> <li>For the presumption to apply, the frontline worker must receive a positive lab test for COVID-19 or a diagnosis from a licensed healthcare provider between March 1, 2020, and Jan. 15, 2021.</li> <li>Permits the presumption to be rebutted by a preponderance of evidence that the disease was caused by non-employment-related exposure/risk.</li> <li>For non-frontline workers, provides that death or disability resulting from COVID-19 may still be presumed to be compensable.</li> <li>For the presumption to apply, the employee must have received a positive lab test for COVID-19 or a diagnosis from a licensed healthcare provider between April 1, 2020, and Jan. 15, 2021, and had either documented occupational exposure in the course of employment to an individual with COVID-19 or performed services at a residence/facility with residents or employees who were present and had COVID-19 at the time the services were performed.</li> <li>Permits the presumption to be rebutted by a preponderance of evidence that the disease was caused by non-employment-related exposure/risk or—at the time of exposure—the employer was in compliance with relevant state and federal guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Firefighters</li> <li>Law enforcement officers</li> <li>Emergency medical personnel</li> <li>Workers in a healthcare facility</li> <li>Correctional officers</li> <li>Workers in long-term care facilities</li> <li>Childcare providers for frontline workers</li> <li>Home healthcare workers</li> <li>Workers in morgues, funeral establishments, etc.</li> <li>Other workers performing services that the commissioner determines place the worker at a similarly elevated risk of being exposed</li> </ul>	<ul style="list-style-type: none"> <li>Applies to diagnoses received by frontline workers between March 1, 2020, and Jan. 15, 2021, or by non-frontline workers between April 1, 2020, and Jan. 15, 2021.</li> <li>Repeals these established presumptions on Jan. 15, 2021.</li> </ul>
Wisconsin	AB 1038 Enacted April 15	<ul style="list-style-type: none"> <li>Provides that, where injuries to first responders are found to be caused by COVID-19, the injury is presumed to be caused by the individual's employment.</li> <li>For the presumption to apply, the injury must be accompanied by a specific diagnosis by a physician or by a positive COVID-19 test.</li> <li>Permits the presumption to be rebutted by specific evidence that the injury was caused by exposure to COVID-19 outside of the first responder's work.</li> </ul>	<ul style="list-style-type: none"> <li>First responders (i.e., those providing firefighting, law enforcement, or medical treatment of COVID-19 and who have regular, direct contact with/are regularly in close proximity to patients or other members of the public requiring emergency services)</li> </ul>	<ul style="list-style-type: none"> <li>Applies to injuries caused by COVID-19 during the public health emergency (beginning on March 12, 2020) through 30 days after the end of the emergency.</li> </ul>
Wyoming	SB 1002 Enacted May 20	<ul style="list-style-type: none"> <li>Provides that, for certain employees who are infected with COVID-19, it will be presumed that the risk of contracting COVID-19 was increased by the nature of the employment.</li> </ul>	<ul style="list-style-type: none"> <li>Employees whose work subjects them to extra-hazardous duties that increase the risk of contracting COVID-19</li> </ul>	<ul style="list-style-type: none"> <li>Applies to employees infected with COVID-19 starting Jan. 1, 2020, through Dec. 30, 2020.</li> </ul>

