The Commonwealth of Massachusetts

PRESENTED BY:

Tram T. Nguyen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to occupational presumption and COVID-19.

PETITION OF:

NAME: Tram T. Nguyen
DISTRICT/ADDRESS: 18th Essex
DATE ADDED: 2/17/2021

NAME: Denise C. Garlick
DISTRICT/ADDRESS: 13th Norfolk
DATE ADDED: 2/18/2021

NAME: Jacob R. Oliveira
DISTRICT/ADDRESS: 7th Hampden
DATE ADDED: 2/22/2021

NAME: David Henry Argosky LeBoeuf
DISTRICT/ADDRESS: 17th Worcester
DATE ADDED: 2/23/2021

NAME: Lindsay N. Sabadosa
DISTRICT/ADDRESS: 1st Hampshire
DATE ADDED: 2/24/2021

NAME: Christopher Hendricks
DISTRICT/ADDRESS: 11th Bristol
DATE ADDED: 2/25/2021

NAME: Tricia Farley-Bouvier
DISTRICT/ADDRESS: 3rd Berkshire
DATE ADDED: 2/26/2021

NAME: Gerard J. Cassidy
DISTRICT/ADDRESS: 9th Plymouth
DATE ADDED: 2/26/2021

NAME: James K. Hawkins
DISTRICT/ADDRESS: 2nd Bristol
DATE ADDED: 2/26/2021

NAME: James M. Murphy
DISTRICT/ADDRESS: 4th Norfolk
DATE ADDED: 2/26/2021

NAME: Christina A. Minicucci
DISTRICT/ADDRESS: 14th Essex
DATE ADDED: 2/26/2021

NAME: Edward F. Coppinger
DISTRICT/ADDRESS: 10th Suffolk
DATE ADDED: 2/26/2021

NAME: Joan Meschino
DISTRICT/ADDRESS: 3rd Plymouth
DATE ADDED: 2/26/2021

NAME: John H. Rogers
DISTRICT/ADDRESS: 12th Norfolk
DATE ADDED: 2/26/2021

NAME: Andres X. Vargas
DISTRICT/ADDRESS: 3rd Essex
DATE ADDED: 2/26/2021

NAME: Susan L. Moran
DISTRICT/ADDRESS: Plymouth and Barnstable
DATE ADDED: 2/26/2021

NAME: Paul McMurtry
DISTRICT/ADDRESS: 11th Norfolk
DATE ADDED: 2/26/2021

NAME: Carol A. Doherty
DISTRICT/ADDRESS: 3rd Bristol
DATE ADDED: 2/26/2021
<table>
<thead>
<tr>
<th>Name</th>
<th>District</th>
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<tr>
<td>James B. Eldridge</td>
<td>Middlesex and Worcester</td>
<td>2/26/21</td>
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<td>Timothy R. Whelan</td>
<td>1st Barnstable</td>
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<td>Joseph W. McConagle, Jr.</td>
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<td>Jessica Ann Giannino</td>
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<td>Nika C. Elugardo</td>
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<td>Michael D. Brady</td>
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<td>Peter Capano</td>
<td>11th Essex</td>
<td>3/8/21</td>
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<td>Tackey Chan</td>
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<td>Colleen M. Garry</td>
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<td>Walter F. Timilty</td>
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<td>Christine P. Barber</td>
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<td>Marc R. Pacheco</td>
<td>First Plymouth and Bristol</td>
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<tr>
<td>Natalie M. Higgins</td>
<td>4th Worcester</td>
<td>7/22/21</td>
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An Act relative to occupational presumption and COVID-19.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For purposes of this Act, the following terms shall have the following meanings:

“State of emergency”, the state of emergency called by Executive Order No. 591 dated March 10, 2020 concerning the health care crisis caused by the COVID-19 virus, along with any subsequent states of emergency that may be declared by the Commonwealth from time to time or at any time due to health care concerns raised by the COVID-19 virus.

SECTION 2. Chapter 34 of Section 152 of the general laws is hereby amended by inserting the following language after the second paragraph of said Chapter:

Notwithstanding any general or special law, rule or regulation to the contrary, any frontline healthcare worker, working in a healthcare facility or in the community, who has symptoms of or otherwise becomes infected with or is suspected to be infected with COVID-19 that results in a period of hospitalization, quarantine, or requires self-quarantine measures as a
result of being infected or coming into contact with someone who is infected with the COVID-19 virus, shall have their medical condition or incapacity to work presumed to be work-related and constitute a per se qualification for protection under this Section, without application of any waiting period.

Said healthcare worker shall not be required to use said healthcare worker’s accrued sick time, vacation time, personal time or any other contractual time-off to cover said period of incapacitation or inability to perform regular duty work.

SECTION 3. The employer shall allow the healthcare worker to return to the worker’s previous position of employment when the period of quarantine, self-quarantine, recovery, or hospitalization is concluded.

SECTION 4. The provisions of Sections 23 and 24 of Chapter 152 do not apply to claims brought under this Act, unless the employer demonstrates compliance with all relevant and active orders and advisories of the Governor of the Commonwealth concerning workplace safety restrictions during the state of emergency, such as, but not limited to, the provision to healthcare workers of appropriate Personal Protective Equipment and appropriate safe distancing opportunities.

SECTION 5. This act shall be in force to protect healthcare workers who are exposed to the COVID-19 virus or are advised to quarantine or self-quarantine by any health official during the pendency of the state of emergency.

SECTION 6. An healthcare worker who chooses not to return to work for an essential employer due to a good-faith concern that the worker may be exposed to the COVID-19 virus
will be considered eligible for benefits under Chapter 151A as if the essential worker had been constructively discharged.