HOUSE DOCKET, NO. 623 FILED ON: 1/14/2023

# HOUSE . . . . . No. 1928

## 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: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Tram T. Nguyen* | *18th Essex* | *1/14/2023* |
| *Lindsay N. Sabadosa* | *1st Hampshire* | *1/20/2023* |
| *Angelo J. Puppolo, Jr.* | *12th Hampden* | *1/20/2023* |
| *Peter Capano* | *11th Essex* | *1/24/2023* |
| *James C. Arena-DeRosa* | *8th Middlesex* | *1/24/2023* |
| *David Henry Argosky LeBoeuf* | *17th Worcester* | *1/24/2023* |
| *Adam J. Scanlon* | *14th Bristol* | *1/24/2023* |
| *Jack Patrick Lewis* | *7th Middlesex* | *1/25/2023* |
| *Kelly W. Pease* | *4th Hampden* | *1/26/2023* |
| *Margaret R. Scarsdale* | *1st Middlesex* | *1/26/2023* |
| *Adrianne Pusateri Ramos* | *14th Essex* | *1/26/2023* |
| *James K. Hawkins* | *2nd Bristol* | *1/27/2023* |
| *Carol A. Doherty* | *3rd Bristol* | *1/29/2023* |
| *Ryan M. Hamilton* | *15th Essex* | *1/30/2023* |
| *Erika Uyterhoeven* | *27th Middlesex* | *2/1/2023* |
| *Thomas M. Stanley* | *9th Middlesex* | *2/3/2023* |
| *Michelle M. DuBois* | *10th Plymouth* | *2/7/2023* |
| *Tricia Farley-Bouvier* | *2nd Berkshire* | *2/8/2023* |

| | | |
|---|---|---|
| *James B. Eldridge* | *Middlesex and Worcester* | *2/9/2023* |
| *Colleen M. Garry* | *36th Middlesex* | *2/13/2023* |
| *Denise C. Garlick* | *13th Norfolk* | *2/15/2023* |
| *Christopher Richard Flanagan* | *1st Barnstable* | *2/23/2023* |
| *Vanna Howard* | *17th Middlesex* | *3/1/2023* |
| *Bruce E. Tarr* | *First Essex and Middlesex* | *3/31/2023* |

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# HOUSE . . . . . No. 1928

By Representative Nguyen of Andover, a petition (accompanied by bill, House, No. 1928) of Tram T. Nguyen and others relative to certain frontline healthcare workers experiencing symptoms of or being infected with COVID-19. Labor and Workforce Development.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court**
**(2023-2024)**

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 on or before June 15, 2021 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.

At no time shall said frontline healthcare worker be required to use said frontline 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 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.