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CS FOR HOUSE BILL NO. 45(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE JOSEPHSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to presumption of compensability for workers' compensation claims**
2 **related to contagious diseases; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.30 is amended by adding a new section to read:

5 **Sec. 23.30.118. Presumption of compensability for a contagious disease. (a)**

6 There is a presumption that an employee's claim for compensation as a result of a
7 contagious disease is within the provisions of this chapter if, during a condition of
8 disaster emergency declared by the governor under AS 26.23.020(c) due to an
9 outbreak of the contagious disease, the employee

10 (1) is employed in an occupation listed in (b)(2) of this section;

11 (2) receives a diagnosis by a physician of, or positive laboratory test
12 for, the contagious disease; and

13 (3) worked outside the employee's home in the occupation and had
14 work-related in-person contact with a member of the public within 14 days before the

employee receives a diagnosis or positive laboratory test.

(b) The presumption of compensability described in (a) of this section

(1) may be rebutted only by clear and convincing evidence that the employee contracted the contagious disease through exposure to the disease that was not work related;

(2) applies only to the following occupations:

(A) emergency medical technician;

(B) firefighter;

(C) health care provider;

(D) paramedic;

(E) peace officer;

(F) employee of a child care facility;

(G) employee of a grocery store;

(H) teacher;

(I) employee of a farmer's market;

(J) employee of a vendor who sells products directly to consumers at a farmer's market;

(K) employee who performs services that the commissioner determines place the employee at a similar risk of being exposed to or contracting the contagious disease as the occupations listed in (A) - (J) of this paragraph.

(c) In this section,

(1) "child care facility" has the meaning given in AS 47.25.095;

(2) "contagious disease" has the meaning given in AS 18.15.395;

(3) "emergency medical technician" has the meaning given in AS 18.08.200;

(4) "farmer's market" means a seasonal market

(A) operated under the sponsorship of a community organization; and

(B) the main purpose of which is to provide an opportunity for producers to sell agricultural products directly to consumers;

1 (5) "firefighter" means

2 (A) a person employed by a state or municipal fire department
3 or who is a member of a volunteer fire department registered with the state fire
4 marshal; or

5 (B) a person registered for purposes of workers' compensation
6 with the state fire marshal as a member of a volunteer fire department;

7 (6) "grocery store" has the meaning given in AS 44.25.048;

8 (7) "health care provider" has the meaning given in AS 13.52.390;

9 (8) "paramedic" has the meaning given in AS 12.55.185;

10 (9) "peace officer" has the meaning given in AS 11.81.900;

11 (10) "teacher" means a member of the teaching, supervisory, or
12 administrative corps in the public schools of the state.

13 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 RETROACTIVITY. AS 23.30.118, enacted by sec. 1 of this Act, is retroactive to
16 November 15, 2020, for the occupations listed in AS 23.30.118(b)(2)(A) - (E).

17 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).