

HOUSE BILL NO. 45

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 1/8/21

Referred: Prefiled

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

1 employee receives a diagnosis or positive laboratory test.

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

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

6 (2) applies only to the following occupations:

7 (A) emergency medical technician;

8 (B) firefighter;

9 (C) health care provider;

10 (D) paramedic;

11 (E) peace officer;

12 (F) employee of a child care facility;

13 (G) employee of a grocery store;

14 (H) teacher;

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

19 (c) In this section,

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

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

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

24 (4) "firefighter" means

25 (A) a person employed by a state or municipal fire department
26 or who is a member of a volunteer fire department registered with the state fire
27 marshal; or

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

30 (5) "grocery store" has the meaning given in AS 44.25.048;

31 (6) "health care provider" has the meaning given in AS 13.52.390;

1 (7) "paramedic" has the meaning given in AS 12.55.185;

2 (8) "peace officer" has the meaning given in AS 11.81.900;

3 (9) "teacher" means a member of the teaching, supervisory, or
4 administrative corps in the public schools of the state.

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

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

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