

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 573

Representatives Sobecki, Boggs

Cosponsors: Representatives Smith, K., Miller, J.

A BILL

To amend section 4123.68 of the Revised Code to 1
make COVID-19 an occupational disease under the 2
Workers' Compensation Law under certain 3
circumstances and to declare an emergency. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4123.68 of the Revised Code be 5
amended to read as follows: 6

Sec. 4123.68. Every employee who is disabled because of 7
the contraction of an occupational disease or the dependent of 8
an employee whose death is caused by an occupational disease, is 9
entitled to the compensation provided by sections 4123.55 to 10
4123.59 and 4123.66 of the Revised Code subject to the 11
modifications relating to occupational diseases contained in 12
this chapter. An order of the administrator issued under this 13
section is appealable pursuant to sections 4123.511 and 4123.512 14
of the Revised Code. 15

The following diseases are occupational diseases and 16
compensable as such when contracted by an employee in the course 17
of the employment in which such employee was engaged and due to 18

the nature of any process described in this section. A disease 19
which meets the definition of an occupational disease is 20
compensable pursuant to this chapter though it is not 21
specifically listed in this section. 22

SCHEDULE 23

Description of disease or injury and description of 24
process: 25

(A) Anthrax: Handling of wool, hair, bristles, hides, and 26
skins. 27

(B) Glanders: Care of any equine animal suffering from 28
glanders; handling carcass of such animal. 29

(C) Lead poisoning: Any industrial process involving the 30
use of lead or its preparations or compounds. 31

(D) Mercury poisoning: Any industrial process involving 32
the use of mercury or its preparations or compounds. 33

(E) Phosphorous poisoning: Any industrial process 34
involving the use of phosphorous or its preparations or 35
compounds. 36

(F) Arsenic poisoning: Any industrial process involving 37
the use of arsenic or its preparations or compounds. 38

(G) Poisoning by benzol or by nitro-derivatives and amido- 39
derivatives of benzol (dinitro-benzol, anilin, and others): Any 40
industrial process involving the use of benzol or nitro- 41
derivatives or amido-derivatives of benzol or its preparations 42
or compounds. 43

(H) Poisoning by gasoline, benzine, naphtha, or other 44
volatile petroleum products: Any industrial process involving 45

the use of gasoline, benzine, naphtha, or other volatile	46
petroleum products.	47
(I) Poisoning by carbon bisulphide: Any industrial process	48
involving the use of carbon bisulphide or its preparations or	49
compounds.	50
(J) Poisoning by wood alcohol: Any industrial process	51
involving the use of wood alcohol or its preparations.	52
(K) Infection or inflammation of the skin on contact	53
surfaces due to oils, cutting compounds or lubricants, dust,	54
liquids, fumes, gases, or vapors: Any industrial process	55
involving the handling or use of oils, cutting compounds or	56
lubricants, or involving contact with dust, liquids, fumes,	57
gases, or vapors.	58
(L) Epithelion cancer or ulceration of the skin or of the	59
corneal surface of the eye due to carbon, pitch, tar, or tarry	60
compounds: Handling or industrial use of carbon, pitch, or tarry	61
compounds.	62
(M) Compressed air illness: Any industrial process carried	63
on in compressed air.	64
(N) Carbon dioxide poisoning: Any process involving the	65
evolution or resulting in the escape of carbon dioxide.	66
(O) Brass or zinc poisoning: Any process involving the	67
manufacture, founding, or refining of brass or the melting or	68
smelting of zinc.	69
(P) Manganese dioxide poisoning: Any process involving the	70
grinding or milling of manganese dioxide or the escape of	71
manganese dioxide dust.	72
(Q) Radium poisoning: Any industrial process involving the	73

use of radium and other radioactive substances in luminous	74
paint.	75
(R) Tenosynovitis and prepatellar bursitis: Primary	76
tenosynovitis characterized by a passive effusion or crepitus	77
into the tendon sheath of the flexor or extensor muscles of the	78
hand, due to frequently repetitive motions or vibrations, or	79
prepatellar bursitis due to continued pressure.	80
(S) Chrome ulceration of the skin or nasal passages: Any	81
industrial process involving the use of or direct contact with	82
chromic acid or bichromates of ammonium, potassium, or sodium or	83
their preparations.	84
(T) Potassium cyanide poisoning: Any industrial process	85
involving the use of or direct contact with potassium cyanide.	86
(U) Sulphur dioxide poisoning: Any industrial process in	87
which sulphur dioxide gas is evolved by the expansion of liquid	88
sulphur dioxide.	89
(V) Berylliosis: Berylliosis means a disease of the lungs	90
caused by breathing beryllium in the form of dust or fumes,	91
producing characteristic changes in the lungs and demonstrated	92
by x-ray examination, by biopsy or by autopsy.	93
This chapter does not entitle an employee or the	94
employee's dependents to compensation, medical treatment, or	95
payment of funeral expenses for disability or death from	96
berylliosis unless the employee has been subjected to injurious	97
exposure to beryllium dust or fumes in the employee's employment	98
in this state preceding the employee's disablement and only in	99
the event of such disability or death resulting within eight	100
years after the last injurious exposure; provided that such	101
eight-year limitation does not apply to disability or death from	102

exposure occurring after January 1, 1976. In the event of death 103
following continuous total disability commencing within eight 104
years after the last injurious exposure, the requirement of 105
death within eight years after the last injurious exposure does 106
not apply. 107

Before awarding compensation for partial or total 108
disability or death due to berylliosis, the administrator of 109
workers' compensation shall refer the claim to a qualified 110
medical specialist for examination and recommendation with 111
regard to the diagnosis, the extent of the disability, the 112
nature of the disability, whether permanent or temporary, the 113
cause of death, and other medical questions connected with the 114
claim. An employee shall submit to such examinations, including 115
clinical and x-ray examinations, as the administrator requires. 116
In the event that an employee refuses to submit to examinations, 117
including clinical and x-ray examinations, after notice from the 118
administrator, or in the event that a claimant for compensation 119
for death due to berylliosis fails to produce necessary consents 120
and permits, after notice from the administrator, so that such 121
autopsy examination and tests may be performed, then all rights 122
for compensation are forfeited. The reasonable compensation of 123
such specialist and the expenses of examinations and tests shall 124
be paid, if the claim is allowed, as part of the expenses of the 125
claim, otherwise they shall be paid from the surplus fund. 126

(W) Cardiovascular, pulmonary, or respiratory diseases 127
incurred by firefighters or police officers following exposure 128
to heat, smoke, toxic gases, chemical fumes and other toxic 129
substances: Any cardiovascular, pulmonary, or respiratory 130
disease of a firefighter or police officer caused or induced by 131
the cumulative effect of exposure to heat, the inhalation of 132
smoke, toxic gases, chemical fumes and other toxic substances in 133

the performance of the firefighter's or police officer's duty 134
constitutes a presumption, which may be refuted by affirmative 135
evidence, that such occurred in the course of and arising out of 136
the firefighter's or police officer's employment. For the 137
purpose of this section, "firefighter" means any regular member 138
of a lawfully constituted fire department of a municipal 139
corporation or township, whether paid or volunteer, and "police 140
officer" means any regular member of a lawfully constituted 141
police department of a municipal corporation, township or 142
county, whether paid or volunteer. 143

This chapter does not entitle a firefighter, or police 144
officer, or the firefighter's or police officer's dependents to 145
compensation, medical treatment, or payment of funeral expenses 146
for disability or death from a cardiovascular, pulmonary, or 147
respiratory disease, unless the firefighter or police officer 148
has been subject to injurious exposure to heat, smoke, toxic 149
gases, chemical fumes, and other toxic substances in the 150
firefighter's or police officer's employment in this state 151
preceding the firefighter's or police officer's disablement, 152
some portion of which has been after January 1, 1967, except as 153
provided in division (E) of section 4123.57 of the Revised Code. 154

Compensation on account of cardiovascular, pulmonary, or 155
respiratory diseases of firefighters and police officers is 156
payable only in the event of temporary total disability, 157
permanent total disability, or death, in accordance with section 158
4123.56, 4123.58, or 4123.59 of the Revised Code. Medical, 159
hospital, and nursing expenses are payable in accordance with 160
this chapter. Compensation, medical, hospital, and nursing 161
expenses are payable only in the event of such disability or 162
death resulting within eight years after the last injurious 163
exposure; provided that such eight-year limitation does not 164

apply to disability or death from exposure occurring after 165
January 1, 1976. In the event of death following continuous 166
total disability commencing within eight years after the last 167
injurious exposure, the requirement of death within eight years 168
after the last injurious exposure does not apply. 169

This chapter does not entitle a firefighter or police 170
officer, or the firefighter's or police officer's dependents, to 171
compensation, medical, hospital, and nursing expenses, or 172
payment of funeral expenses for disability or death due to a 173
cardiovascular, pulmonary, or respiratory disease in the event 174
of failure or omission on the part of the firefighter or police 175
officer truthfully to state, when seeking employment, the place, 176
duration, and nature of previous employment in answer to an 177
inquiry made by the employer. 178

Before awarding compensation for disability or death under 179
this division, the administrator shall refer the claim to a 180
qualified medical specialist for examination and recommendation 181
with regard to the diagnosis, the extent of disability, the 182
cause of death, and other medical questions connected with the 183
claim. A firefighter or police officer shall submit to such 184
examinations, including clinical and x-ray examinations, as the 185
administrator requires. In the event that a firefighter or 186
police officer refuses to submit to examinations, including 187
clinical and x-ray examinations, after notice from the 188
administrator, or in the event that a claimant for compensation 189
for death under this division fails to produce necessary 190
consents and permits, after notice from the administrator, so 191
that such autopsy examination and tests may be performed, then 192
all rights for compensation are forfeited. The reasonable 193
compensation of such specialists and the expenses of examination 194
and tests shall be paid, if the claim is allowed, as part of the 195

expenses of the claim, otherwise they shall be paid from the 196
surplus fund. 197

(X) (1) Cancer contracted by a firefighter: Cancer 198
contracted by a firefighter who has been assigned to at least 199
six years of hazardous duty as a firefighter constitutes a 200
presumption that the cancer was contracted in the course of and 201
arising out of the firefighter's employment if the firefighter 202
was exposed to an agent classified by the international agency 203
for research on cancer or its successor organization as a group 204
1 or 2A carcinogen. 205

(2) The presumption described in division (X) (1) of this 206
section is rebuttable in any of the following situations: 207

(a) There is evidence that the firefighter's exposure, 208
outside the scope of the firefighter's official duties, to 209
cigarettes, tobacco products, or other conditions presenting an 210
extremely high risk for the development of the cancer alleged, 211
was probably a significant factor in the cause or progression of 212
the cancer. 213

(b) There is evidence that shows, by a preponderance of 214
competent scientific evidence, that exposure to the type of 215
carcinogen alleged did not or could not have caused the cancer 216
being alleged. 217

(c) There is evidence that the firefighter was not exposed 218
to an agent classified by the international agency for research 219
on cancer as a group 1 or 2A carcinogen. 220

(d) There is evidence that the firefighter incurred the 221
type of cancer alleged before becoming a member of the fire 222
department. 223

(e) The firefighter is seventy years of age or older. 224

(3) The presumption described in division (X) (1) of this 225
section does not apply if it has been more than fifteen years 226
since the firefighter was last assigned to hazardous duty as a 227
firefighter. 228

(4) Compensation for cancer contracted by a firefighter in 229
the course of hazardous duty under division (X) of this section 230
is payable only in the event of temporary total disability, 231
working wage loss, permanent total disability, or death, in 232
accordance with division (A) or (B) (1) of section 4123.56 and 233
sections 4123.58 and 4123.59 of the Revised Code. 234

(5) As used in division (X) of this section, "hazardous 235
duty" has the same meaning as in 5 C.F.R. 550.902, as amended. 236

(Y) Silicosis: Silicosis means a disease of the lungs 237
caused by breathing silica dust (silicon dioxide) producing 238
fibrous nodules distributed through the lungs and demonstrated 239
by x-ray examination, by biopsy or by autopsy. 240

(Z) Coal miners' pneumoconiosis: Coal miners' 241
pneumoconiosis, commonly referred to as "black lung disease," 242
resulting from working in the coal mine industry and due to 243
exposure to the breathing of coal dust, and demonstrated by x- 244
ray examination, biopsy, autopsy or other medical or clinical 245
tests. 246

This chapter does not entitle an employee or the 247
employee's dependents to compensation, medical treatment, or 248
payment of funeral expenses for disability or death from 249
silicosis, asbestosis, or coal miners' pneumoconiosis unless the 250
employee has been subject to injurious exposure to silica dust 251
(silicon dioxide), asbestos, or coal dust in the employee's 252
employment in this state preceding the employee's disablement, 253

some portion of which has been after October 12, 1945, except as 254
provided in division (E) of section 4123.57 of the Revised Code. 255

Compensation on account of silicosis, asbestosis, or coal 256
miners' pneumoconiosis are payable only in the event of 257
temporary total disability, permanent total disability, or 258
death, in accordance with sections 4123.56, 4123.58, and 4123.59 259
of the Revised Code. Medical, hospital, and nursing expenses are 260
payable in accordance with this chapter. Compensation, medical, 261
hospital, and nursing expenses are payable only in the event of 262
such disability or death resulting within eight years after the 263
last injurious exposure; provided that such eight-year 264
limitation does not apply to disability or death occurring after 265
January 1, 1976, and further provided that such eight-year 266
limitation does not apply to any asbestosis cases. In the event 267
of death following continuous total disability commencing within 268
eight years after the last injurious exposure, the requirement 269
of death within eight years after the last injurious exposure 270
does not apply. 271

This chapter does not entitle an employee or the 272
employee's dependents to compensation, medical, hospital and 273
nursing expenses, or payment of funeral expenses for disability 274
or death due to silicosis, asbestosis, or coal miners' 275
pneumoconiosis in the event of the failure or omission on the 276
part of the employee truthfully to state, when seeking 277
employment, the place, duration, and nature of previous 278
employment in answer to an inquiry made by the employer. 279

Before awarding compensation for disability or death due 280
to silicosis, asbestosis, or coal miners' pneumoconiosis, the 281
administrator shall refer the claim to a qualified medical 282
specialist for examination and recommendation with regard to the 283

diagnosis, the extent of disability, the cause of death, and 284
other medical questions connected with the claim. An employee 285
shall submit to such examinations, including clinical and x-ray 286
examinations, as the administrator requires. In the event that 287
an employee refuses to submit to examinations, including 288
clinical and x-ray examinations, after notice from the 289
administrator, or in the event that a claimant for compensation 290
for death due to silicosis, asbestosis, or coal miners' 291
pneumoconiosis fails to produce necessary consents and permits, 292
after notice from the commission, so that such autopsy 293
examination and tests may be performed, then all rights for 294
compensation are forfeited. The reasonable compensation of such 295
specialist and the expenses of examinations and tests shall be 296
paid, if the claim is allowed, as a part of the expenses of the 297
claim, otherwise they shall be paid from the surplus fund. 298

(AA) Radiation illness: Any industrial process involving 299
the use of radioactive materials. 300

Claims for compensation and benefits due to radiation 301
illness are payable only in the event death or disability 302
occurred within eight years after the last injurious exposure 303
provided that such eight-year limitation does not apply to 304
disability or death from exposure occurring after January 1, 305
1976. In the event of death following continuous disability 306
which commenced within eight years of the last injurious 307
exposure the requirement of death within eight years after the 308
last injurious exposure does not apply. 309

(BB) Asbestosis: Asbestosis means a disease caused by 310
inhalation or ingestion of asbestos, demonstrated by x-ray 311
examination, biopsy, autopsy, or other objective medical or 312
clinical tests. 313

(CC) COVID-19 contracted by an employee who was required 314
to work outside of the employee's home: COVID-19 contracted by 315
an employee who was required to work by the employee's employer 316
outside of the employee's home during the emergency declared by 317
Executive Order 2020-01D, issued March 9, 2020, constitutes a 318
presumption, which may be refuted by affirmative evidence, that 319
COVID-19 was contracted in the course of and arising out of the 320
employee's employment outside of the employee's home. This 321
division applies only to claims arising during the period of the 322
emergency declared by Executive Order 2020-01D, issued on March 323
9, 2020, and to claims arising during the fourteen-day period 324
after that emergency ends. 325

All conditions, restrictions, limitations, and other 326
provisions of this section, with reference to the payment of 327
compensation or benefits on account of silicosis or coal miners' 328
pneumoconiosis apply to the payment of compensation or benefits 329
on account of any other occupational disease of the respiratory 330
tract resulting from injurious exposures to dust. 331

The refusal to produce the necessary consents and permits 332
for autopsy examination and testing shall not result in 333
forfeiture of compensation provided the administrator finds that 334
such refusal was the result of bona fide religious convictions 335
or teachings to which the claimant for compensation adhered 336
prior to the death of the decedent. 337

Section 2. That existing section 4123.68 of the Revised 338
Code is hereby repealed. 339

Section 3. This act is hereby declared to be an emergency 340
measure necessary for the immediate preservation of the public 341
peace, health, and safety. The reason for such necessity is that 342
immediate action is crucial to protecting the public health 343

during an outbreak of COVID-19. Therefore, this act shall go
into immediate effect.

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