

Senate Bill 291

By: Senators Jordan of the 6th, Merritt of the 9th and Au of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,
2 relating to compensation for occupational disease, so as to include COVID-19 within the
3 meaning of occupational disease for essential workers; to provide for definitions; to provide
4 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to
9 compensation for occupational disease, is amended by revising Code Section 34-9-280,
10 relating to definitions, as follows:

11 "34-9-280.

12 As used in this article, the term:

13 (1) 'COVID-19' means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
14 and any mutation or viral fragments thereof, or any disease or condition caused by severe
15 acute respiratory syndrome coronavirus 2 (SARS-CoV-2), which were the subject of the
16 public health state of emergency declared by the Governor on March 14, 2020.

17 ~~(1)~~(2) 'Disablement' means the event of an employee becoming actually disabled to
18 work, as provided in Code Sections 34-9-261, 34-9-262, and 34-9-263, because of
19 occupational disease.

20 (3) 'Essential worker' means an employee whose employer does not permit him or her
21 to work remotely.

22 ~~(2)~~(4) 'Occupational disease' means those diseases which arise out of and in the course
23 of the particular trade, occupation, process, or employment in which the employee is
24 exposed to such disease, provided the employee or the employee's dependents first prove
25 to the satisfaction of the State Board of Workers' Compensation all of the following:

26 (A) A direct causal connection between the conditions under which the work is
27 performed and the disease;

28 (B) That the disease followed as a natural incident of exposure by reason of the
29 employment;

30 (C) That the disease is not of a character to which the employee may have had
31 substantial exposure outside of the employment;

32 (D) That the disease is not an ordinary disease of life to which the general public is
33 exposed; provided, however, that, for claims relating to incidents of exposure occurring
34 on or after March 14, 2020, but prior to July 1, 2023, COVID-19 shall not be
35 considered an ordinary disease of life for an essential worker nor a disease to the
36 essential worker may have had substantial exposure outside of employment, if
37 contracted within 14 calendar days of performing work for the employer; and

38 (E) That the disease must appear to have had its origin in a risk connected with the
39 employment and to have flowed from that source as a natural consequence.

40 For the purposes of this paragraph, partial loss of hearing due to noise shall not be
41 considered an occupational disease. Psychiatric and psychological problems and heart
42 and vascular diseases shall not be considered occupational diseases, except where they
43 arise from a separate occupational disease."

44

SECTION 2.

45 This Act shall become effective upon its approval by the Governor or upon its becoming law
46 without such approval.

47

SECTION 3.

48 All laws and parts of laws in conflict with this Act are repealed.