



BILLS NEWLY ADDED SINCE THE LAST UPDATE ARE LISTED FIRST AND HIGHLIGHTED IN "YELLOW."

NATIONAL COUNCIL ON COMPENSATION INSURANCE, INC.—2020 ENACTED LEGISLATION YEAR TO DATE (AS OF 12/31/20)

ENACTED BILLS

JURISDICTION	BILL	SUMMARY
Alaska	<u>SB 241</u>	Extends COVID-19 declaration/relief.
Arizona	<u>SB 1040</u>	Insurers; notices; methods of delivery.
Arizona	<u>SB 1090</u>	Relates to insurance adjusters.
Arizona	<u>SB 1331</u>	Relates to self-insured employers; deviation continuation.
Colorado	<u>SB 20-26</u>	Concerning eligibility for workers compensation benefits for workers who are exposed to psychologically traumatic events; in connection, establishing that a worker’s visual or audible exposure to the serious bodily injury or death or the immediate aftermath of the serious bodily injury or death, of one or more people—as the result of a violent event, the intentional act of another person, or an accident—is a psychologically traumatic event for the purposes of determining the worker’s eligibility for workers compensation benefits.
Florida	<u>HB 437</u>	Authorizes a workers compensation insurer to use a licensed nurse registry to place authorized compensable attendant care services for the benefit of an injured worker.
Florida	<u>SB 292</u>	<ul style="list-style-type: none"> • Defines the terms “loss run statement” and “provide” • Requires surplus lines and authorized insurers, respectively, to provide insureds with either a loss run statement or certain information within a certain time frame after receipt of the insured’s written request • Provides construction • Requires insurers to provide notice to the agent of record after providing a loss run statement • Specifies the required claims history in a loss run statement • Provides that insurers are not required to provide loss reserve information • Prohibits insurers from charging a fee to prepare and provide one loss run statement annually
Florida	<u>SB 540</u>	<p>In part:</p> <ul style="list-style-type: none"> • Authorizes certain guaranty association employees to adjust losses for the Florida Insurance Guaranty Association if certain conditions are met • Redefines the term “net direct written premiums” as “direct written premiums” and revises the definition of that term • Deletes a calculation of initial estimated assessments levied by the Office of Insurance Regulation on insurers in the Florida Insurance Guaranty Association • Deletes a calculation of initial estimated assessments levied by the office on insurers in the Florida Workers’ Compensation Insurance Guaranty Association
Florida	<u>SB 1606</u>	In part, authorizes the payment of certain workers compensation benefits to be transmitted to the employee’s account with a licensed money transmitter.
Hawaii	<u>HB 2350</u> <u>HD2 SD1</u>	Updates various assessments and penalties under the jurisdiction of the Department of Labor and Industrial Relations by revising the monetary assessments according to changes in the Consumer Price Index.
Idaho	<u>HB 373</u>	Amends, repeals, and adds to existing law to update and revise provisions regarding training programs for incarcerated individuals.
Idaho	<u>SB 1263</u>	Amends existing law regarding occupational diseases to remove a sunset provision.
Idaho	<u>SB 1321</u>	Amends existing law to provide for a clear standard regarding intent to harm in a case involving physical aggression.



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Illinois	<u>HB 2455</u>	In part: <ul style="list-style-type: none"> Amends the Workers' Occupational Diseases Act with respect to claims related to COVID-19 Provides that there is a rebuttable presumption that an employee's contraction of COVID-19 arises out of and in the course of the employee's first responder or frontline worker employment and that the injury or occupational disease must be rebuttably presumed to be causally connected to the hazards or exposures of the employee's first responder or frontline worker employment Makes changes in the maximum weekly benefit amount Makes changes with respect to the state experience factor and applicable contribution rate surcharges
Indiana	<u>SB 258</u>	In part, requires the Board of Firefighting Personnel Standards and Education to establish best practices to improve safety and health outcomes for firefighters. Provides that Indiana's Compensation Rating Bureau may provide a premium or rate discount toward workers compensation insurance to political subdivisions and volunteer fire departments that implement best practices.
Indiana	<u>SB 269</u>	<ul style="list-style-type: none"> Provides that for workers compensation and occupational diseases compensation, not later than 14 days from the date that the first installment of compensation is due, an employer or the employer's insurance carrier must file with the workers compensation board a report of payment of compensation Provides that for workers compensation and occupational diseases compensation, the presentation to the employee or to the employee's dependents of certain payments from the employer or the employer's insurance carrier is sufficient tender of the workers compensation or occupational diseases compensation Provides that for workers compensation and occupational diseases coverage, an employer must notify certain employees of the employer's intent to terminate the employee's temporary total disability benefits, and for all instances of termination of benefits, file an electronic notice with the board Provides that for workers compensation and occupational diseases compensation for injuries occurring on or after July 1, 1991, compensation amounts determined for visual impairments shall be: (1) based on the Functional Vision Score and (2) except in cases of permanent and complete loss of vision by enucleation, be paid as a whole person rating Removes from the compensation schedule for workers compensation and occupational diseases compensation, for injuries occurring on or after July 1, 1991, that a reduction of vision to 1/10 of normal vision with glasses is 35 degrees of permanent impairment Provides that the board may dispose of all papers for files when compensation has been awarded either by agreement or upon hearing two years after the termination of the compensation period for files related to workers compensation and workers occupational diseases compensation
Iowa	<u>HF 2589</u>	Concerning the Medical Cannabidiol Act and marijuana.
Iowa	<u>SF 2296</u>	Relates to persons who are deemed independent contractors when performing services while operating certain vehicles.
Kentucky	<u>HB 186</u>	Relates to direct sellers.
Kentucky	<u>SB 263</u>	Relates to the coal workers' pneumoconiosis fund.
Louisiana	<u>HB 59</u>	Provides relative to limitations of liability for public and private school districts and postsecondary institutions during a declared state of emergency or a public health emergency.
Louisiana	<u>HB 826</u>	Provides relative to the limitations of liability due to the COVID-19 public health emergency.



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Louisiana	<u>SB 373</u>	Revises time period in which insurer must provide an insured loss claims history upon request.
Louisiana	<u>SB 517</u>	Relates to continuation of the weekly death benefit for the surviving spouse of a law enforcement officer upon remarriage.
Maryland	<u>HB 99</u>	In part: <ul style="list-style-type: none"> Requires, rather than authorizes, that the Injured Workers' Insurance Fund be the third party administrator for the state's Self-Insured Workers' Compensation Program for state employees under a contract with the state Authorizes the fund to use nonsupervisory employees of the Chesapeake Employers' Insurance Company Authorizes nonsupervisory employees of the company to be assigned to perform certain functions under a certain contract Alters the membership of the Board for the Injured Workers' Insurance Fund
Maryland	<u>HB 685</u>	Provides for enhanced workers compensation benefits for a Harford County deputy sheriff, correctional officer, and detention officer for a compensable permanent partial disability of less than a certain number of weeks.
Maryland	<u>HB 810</u>	Provides that a member of a volunteer company in Washington County, who is at least 15 years old and is enrolled in the Fire and Rescue Academy Program operated by the Washington County Board of Education, is a covered employee for purposes of receiving workers compensation benefits.
Maryland	<u>SB 8</u>	Generally relates to assessments related to the Subsequent Injury Fund and the Uninsured Employers' Fund. Alters the percentage of a certain assessment imposed by the Workers' Compensation Commission payable to the Subsequent Injury Fund <ul style="list-style-type: none"> Alters the percentage of a certain assessment imposed by the Commission payable to the Uninsured Employers' Fund Provides for the termination of this Act
Maryland	<u>SB 616</u>	In part: <ul style="list-style-type: none"> Requires, rather than authorizes, that the Injured Workers' Insurance Fund be the third party administrator for the state's Self-Insured Workers' Compensation Program for state employees under a contract with the state Authorizes the fund to use nonsupervisory employees of the Chesapeake Employers' Insurance Company Authorizes nonsupervisory employees of the company to be assigned to perform certain functions under a certain contract Alters the membership of the Board for the Injured Workers' Insurance Fund
Maryland	<u>SB 784</u>	In part, alters the time period from 30 to 45 days within which a covered employee must report to the employer a hernia caused by an accidental personal injury or by a strain arising out of and in the course of employment for the purpose of filing a claim for compensation; authorizes a covered employee to file a claim for compensation for a hernia caused by an accidental personal injury within 2 years after the date the accidental personal injury occurred under certain circumstances.
Nebraska	<u>LB 963</u>	<ul style="list-style-type: none"> Changes provisions relating to personal injuries of first responders and frontline state employees Provides a means of demonstrating a prima facie case of personal injury Provides duties for the Critical Incident Stress Management Program and the Department of Health and Human Services Requires reimbursement for training as prescribed Changes provisions relating to compensation paid for burial expenses



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Nebraska	<u>LB 1002</u>	<ul style="list-style-type: none"> Provides for community paramedic and critical care paramedic practice and discipline of training agencies Changes the scope of practice of emergency care providers Changes provisions relating to the State Trauma Advisory Board Provides for the independent provision of a therapeutic diet order pursuant to the Medical Nutrition Therapy Practice Act Requires standards for inpatient psychiatric units and psychiatric residential treatment facilities under the Medical Assistance Act as prescribed Changes provisions relating to wholesale drug distribution for emergency medical services
New Hampshire	<u>HB 1245</u>	In part, clarifies the penalty for the failure of an insured to cooperate with the auditing requirements of workers compensation policies.
Oklahoma	<u>HJR 1028</u>	Approves fee schedule for maximum rates paid for reimbursement to medical providers; distribution.
Oklahoma	<u>SB 1375</u>	Relates to medical treatment and certified workplace medical plans; adds chiropractic services to allowable medical treatment; authorizes selection of chiropractors to provide certain services.
Rhode Island	<u>HB 8085</u>	Relates to labor and labor and labor relations—workers compensation.
Rhode Island	<u>SB 2915</u>	Relates to labor and labor and labor relations—workers compensation.
Tennessee	<u>SB 1649</u>	Extends the termination date of the Advisory Council on Workers’ Compensation to June 30, 2021.
Tennessee	<u>SB 2189</u>	<ul style="list-style-type: none"> Excludes construction services providers performing work in this state from certain provisions of the workers compensation law Requires construction services providers to maintain workers compensation insurance coverage while working in this state Imposes liability on a successor in interest of a penalized construction services provider
Tennessee	<u>SB 2190</u>	<ul style="list-style-type: none"> Revises the process by which a treating physician refers an injured employee to a specialist Extends the deadline for an injured employee to file a claim for increased benefits with the bureau of workers compensation Reduces the minimum impairment rating necessary to support a claim for increased benefits Lengthens the period of time following an injury that an employee has to provide notice to the Bureau of Workers Compensation of an injury and the failure of an employer to secure payment of compensation
Utah	<u>HB 10</u>	Boards and commissions amendments.
Utah	<u>HB 11</u>	Blood alcohol limit amendments.
Utah	<u>HB 15</u>	Labor commission amendments.
Utah	<u>HB 37</u>	Insurance amendments.
Utah	<u>HB 3007</u>	Amends the Workers’ Compensation Act to provide workers compensation under certain circumstances to first responders who contract COVID-19.
Utah	<u>HB 5006</u>	Relates to COVID-19 workers compensation modifications.
Vermont	<u>SB 108</u>	In part, permits the Attorney General to enforce complaints of employee misclassification under the workers compensation and unemployment insurance laws.
Vermont	<u>SB 342</u>	Relates to temporary workers compensation amendments related to COVID-19.



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Virginia	<u>HB 46</u>	Requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether it intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information from the employee or a third party. If the employer is unable to make a determination because it lacks sufficient information from the employee or a third party, it must state and identify the needed additional information. If the employer intends to deny the claim, it must provide the reasons. The bill provides that an employer may, if the employee consents, send any such required response to the employee by email.
Virginia	<u>HB 169</u>	Adds correctional officers and full-time sworn members of the enforcement division of the Department of Motor Vehicles to the list of public safety employees who are entitled to a presumption that certain infectious diseases are compensable occupational diseases.
Virginia	<u>HB 438</u>	In part, provides that post-traumatic stress disorder (PTSD) incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines the worker and diagnoses them as suffering from PTSD as a result of the individual undergoing a qualifying event. A qualifying event is defined as an incident or exposure occurring in the line of duty on or after July 1, 2020: <ul style="list-style-type: none"> • Resulting in serious bodily injury or death to any person or persons • Involving a minor who has been injured, killed, abused, or exploited • Involving an immediate threat to life of the claimant or another individual • Involving mass casualties • Responding to crime scenes for investigation Other conditions for compensability include: <ul style="list-style-type: none"> • If the PTSD resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards • If the law-enforcement officer's or firefighter's undergoing of a qualifying event was a substantial factor in causing their PTSD • If such qualifying event, and not another event or source of stress, was the primary cause of the PTSD • If the PTSD did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter The measure also establishes requirements for resilience and self-care technique training.
Virginia	<u>HB 617</u>	Directs the Virginia Workers' Compensation Commission to engage an independent and reputable national research organization to examine the implications of covering workers injuries caused by repetitive motion through the Virginia workers compensation system.
Virginia	<u>HB 783/ SB 9</u>	Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters or certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty.
Virginia	<u>HB 1407</u>	Prohibits an employer from classifying an individual as an independent contractor if they are an employee. An individual must be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless it is demonstrated that such individual is an independent contractor. The Department of Taxation must determine whether an individual is an



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		independent contractor by applying Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021.
Virginia	<u>HB 1558</u>	Authorizes the Virginia Workers' Compensation Commission to create an Ombudsman program and appoint an ombudsman to administer such program. The program's purpose will be to provide neutral educational information and assistance to persons who are not represented by an attorney, including those persons who have claims pending or docketed before the Commission.
Virginia	<u>SB 345</u>	Adds correctional officers and full-time sworn members of the enforcement division of the Department of Motor Vehicles to the list of public safety employees who are entitled to a presumption that certain infectious diseases are compensable occupational diseases. The presumption does not apply to correctional officers and full-time sworn members of the enforcement division of the Department of Motor Vehicles who were diagnosed with such infectious diseases before July 1, 2020.
Virginia	<u>SB 561</u>	Provides, in part, that PTSD incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines them and diagnoses them as suffering from PTSD as a result of the individual undergoing a qualifying event. A qualifying event is defined as an incident or exposure occurring in the line of duty on or after July 1, 2020: <ul style="list-style-type: none"> • Resulting in serious bodily injury or death to any person or persons • Involving a minor who has been injured, killed, abused, or exploited • Involving an immediate threat to life of the claimant or another individual • Involving mass casualties • Responding to crime scenes for investigation Other conditions for compensability include: <ul style="list-style-type: none"> • If the PTSD resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards • If the law-enforcement officer's or firefighter's undergoing of a qualifying event was a substantial factor in causing their PTSD • If such qualifying event, and not another event or source of stress, was the primary cause of the PTSD • If the PTSD did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter The measure also establishes requirements for resilience and self-care technique training.
Virginia	<u>SB 744</u>	Prohibits an employer from classifying an individual as an independent contractor if they are an employee. An individual must be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021.
Virginia	<u>SB 804</u>	Eliminates the exclusion in the Virginia Minimum Wage Act for persons employed in domestic service. The bill requires the Secretary of Commerce and Trade to convene a work group consisting of representatives from the Department of Labor and Industry, the Virginia Employment Commission, the Workers' Compensation



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		Commission, organizations representing domestic workers, and such other stakeholders as the Secretary of Commerce and Trade deems appropriate. The group is to make recommendations, including any necessary statutory and regulatory changes, with regard to: <ul style="list-style-type: none"> • Protecting domestic service employees from workplace harassment and discrimination • Providing remedies for such employees for the nonpayment of wages • Ensuring the safety and health of such employees in the workplace • Protecting such employees from loss of income as a result of unemployment or employment-related injury by including coverage of such employees in the Virginia Unemployment Compensation Act and the Virginia Workers' Compensation Act
West Virginia	<u>HB 4361</u>	<ul style="list-style-type: none"> • Defines "fraudulent insurance act" • Allows Insurance Commissioner to accept proceeds from court-ordered forfeiture proceedings • Creates special revenue fund • Permits courts to award cost of investigation to the insurance fraud unit or other law-enforcement agency • Requires person engaged in the business of insurance to report to the insurance commissioner suspected insurance law violations • Permits insurance fraud unit to administer oaths or affirmations, execute search and arrest warrants, make arrests upon probable cause without a warrant, and participate in the prosecution of workers compensation fraud • Makes the commission of a fraudulent insurance act a violation of law • Mandates that a person convicted of a felony involving dishonesty, breach of trust, or a law reasonably related to the business of insurance is disqualified from participating in the business of insurance • Requires insurance companies to have antifraud initiatives • Allows the insurance commissioner to promulgate rules • Provides for criminal penalties and restitution for insurance law violations
West Virginia	<u>HB 4409</u>	Transfers remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund, at its existing sunset date of June 30, 2020, to the Fire Service Equipment and Training Fund and the State Auditor's Chief Inspector's Fund.
West Virginia	<u>HB 4502</u>	Relates to insurance adjusters.
West Virginia	<u>SB 545</u>	Authorizes transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.
West Virginia	<u>SB 547</u>	Revises provisions relating to employer testing, notice, termination, and forfeiture of unemployment compensation benefits; and provides that violation of an employer's drug-free workplace program, or violation of an employer's alcohol-free workplace program, can still be grounds for a finding of gross misconduct.

Contact Information

If you have any questions about the legislation or proposals mentioned, please contact the appropriate NCCI [state relations executive](#) or a representative of your local insurance trade association.



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