



2022 Regulatory and Legislative Trends Report





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HIGHLIGHTS

Overview of 2022 Legislative and Regulatory Activity



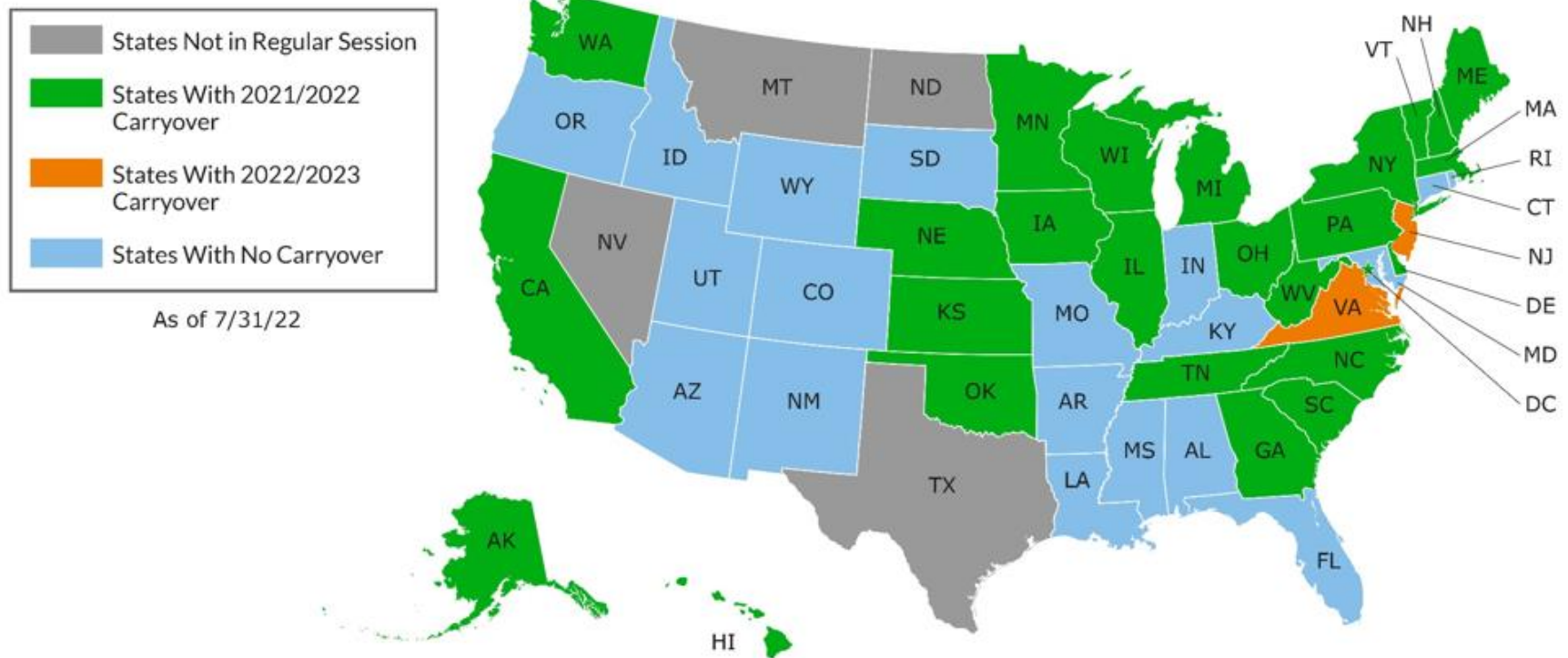
As of July 31, 2022, NCCI tracked **844** state and federal bills, including **447** bills in states where NCCI provides ratemaking services. To date, **98** bills were enacted.

In addition, NCCI monitored **243** proposed workers compensation-related regulations. As of July 31, **95** of those proposed regulations were adopted. As in prior years, medical cost containment was the top theme of the regulations adopted, including medical fee schedules and treatment guidelines, while several of the adopted regulations addressed claims reporting requirements, surcharges, and assessments.

More than two years after the start of the pandemic, COVID-19 continues to be an important topic for workers compensation. NCCI tracked over **118** bills related to COVID-19 and insurance this year. While COVID-19 legislation continued to be top of mind, there was also legislative activity this year on other important topics, including mental injuries, marijuana legalization, single-payer health insurance, and independent contractors/gig economy. For more information on these important topics, see our recent article, [Focus on Three—Key Legislative Trends in Workers Compensation](#), on the INSIGHTS page of [ncci.com](#).



2022 Legislative Sessions





COVID-19 Workers Compensation Presumptions



During 2020 and 2021, **18** states established COVID-19 presumptions through legislation, directives, emergency rules, and/or executive orders. Generally, these are presumptions that an employee's exposure to, or contraction of, COVID-19 is work-related or is a compensable injury or disease. Most of these presumptions contained expiration dates or sunset provisions tied to the end of the state of emergency or another specified date.

Several states that enacted or adopted COVID-19 workers compensation presumptions in 2020 and 2021 considered legislation to extend the expiration date of the presumption to a later date and/or expand the COVID-19 presumption to additional categories of workers.

States including **California**, **Illinois**, **Kentucky**, **Minnesota**, and **Virginia** considered legislation to extend and/or expand COVID-19 workers compensation presumptions. **Minnesota** and **Virginia** enacted legislation, while proposals in **Illinois** and **Kentucky** did not pass. At this time, **California** has pending legislation.

- **California** (AB 1751) would extend the expiration date for the COVID-19 presumption from January 1, 2023, to January 1, 2025. The bill passed the Assembly and is under consideration in the Senate.
- **Illinois** (HB 4931 and SB 3608) would have expanded the COVID-19 presumption to emergency medical dispatchers and public safety telecommunicators. HB 4931 passed the House but failed in the Senate. SB 3608 failed in the Senate.
- **Kentucky** (HB 69) would have extended the presumption for certain workers to January 31, 2023. It passed the House but did not advance in the Senate.
- **Minnesota** enacted legislation (HF 1203) to extend the COVID-19 presumption to January 13, 2023 (with caveats). Two other Minnesota bills (HF 2656 and SF 2633) would have extended the presumption to May 31, 2023, but they did not pass.
- **Virginia** enacted legislation (HB 932) extending the COVID-19 presumption for healthcare providers to December 31, 2022.

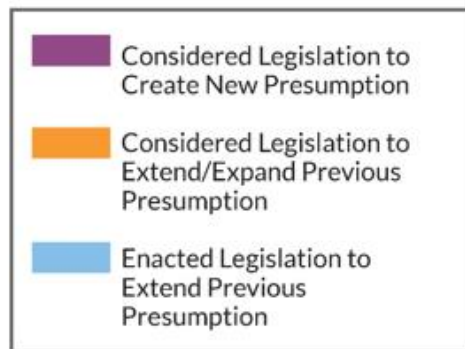
States including **Florida**, **Maryland**, **Massachusetts**, **Pennsylvania**, and **Rhode Island** considered establishing new workers compensation presumptions for COVID-19 for certain workers. Legislation is currently pending in **Massachusetts** and **Pennsylvania**. Bills in the other states did not pass.

- **Florida** (HB 117/SB 774) would have established a COVID-19 presumption for emergency rescue and public safety workers. The legislation did not advance.
- **Maryland** (SB 10) would have established a COVID-19 presumption for first responders, public safety employees, and healthcare workers. The bill died in Senate committee.
- **Massachusetts** (H 2414 and H 2650) would establish a COVID-19 presumption for certain public safety personnel and first responders. The bills are pending in House committee.
- **Pennsylvania** (HB 2514) would establish a COVID-19 presumption for certain first responders and HB 2515 would establish a COVID-19 presumption for employees of certain healthcare providers. The bills are pending in House Committee.
- **Rhode Island** (H 7718) would have established a workers compensation presumption for COVID-19 or other viral infections, classified by an executive order, during a declared state of emergency. The presumption would have been applicable to specified healthcare workers, first responders, and other essential workers. The bill was held in House committee.

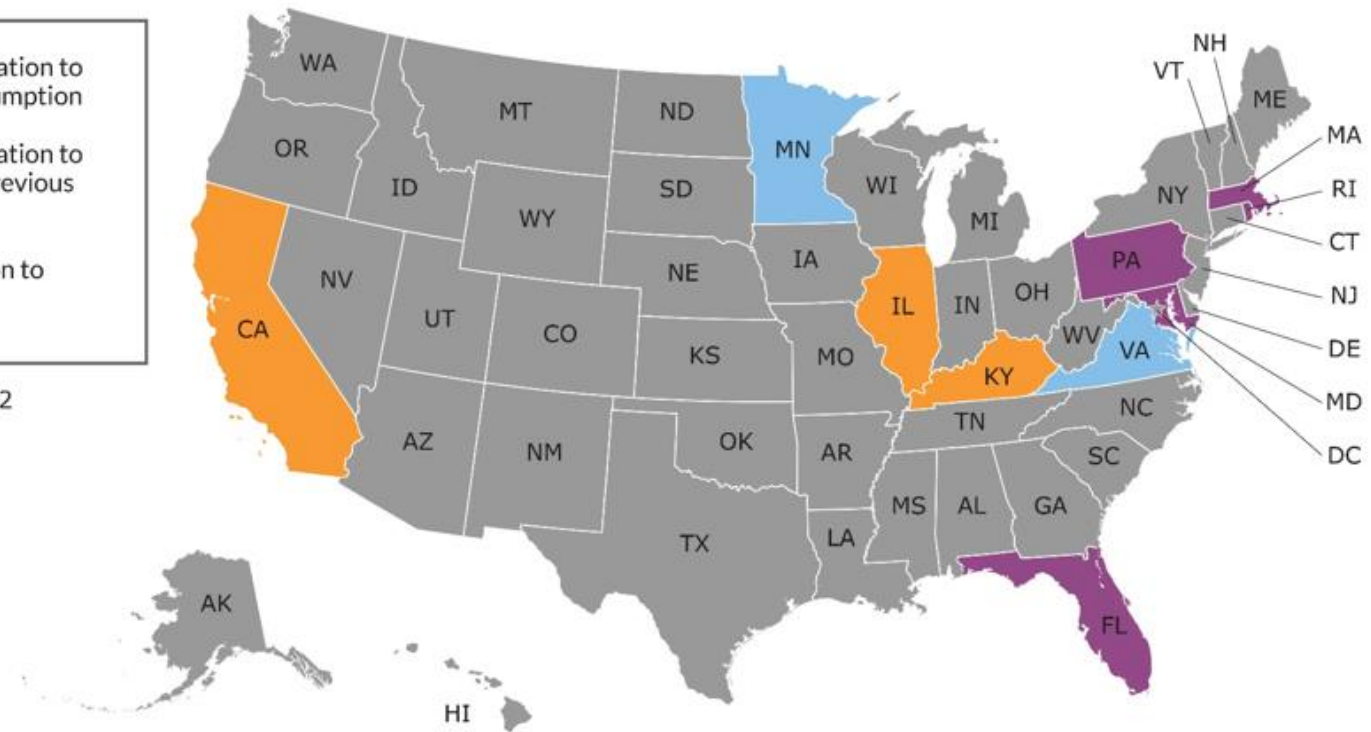




COVID-19 Presumptions: 2022 State Activity



As of 7/31/22





Presumptions Beyond COVID-19



In addition to the **18** states that established COVID-19 workers compensation presumptions in 2020 and 2021, two additional states—**Tennessee** and **Washington**—established a more general “infectious disease presumption” last year.

This year, states including **California**, **Florida**, **Massachusetts**, **Missouri**, and **Rhode Island** considered legislation to create workers compensation presumptions that could be applicable beyond the current COVID-19 pandemic.

These proposals may specifically mention COVID-19, but also contain terms such as “infectious disease,” “COVID-19 or similar disease,” or “other future qualifying pandemic,” and they might not include sunset provisions or expiration dates.

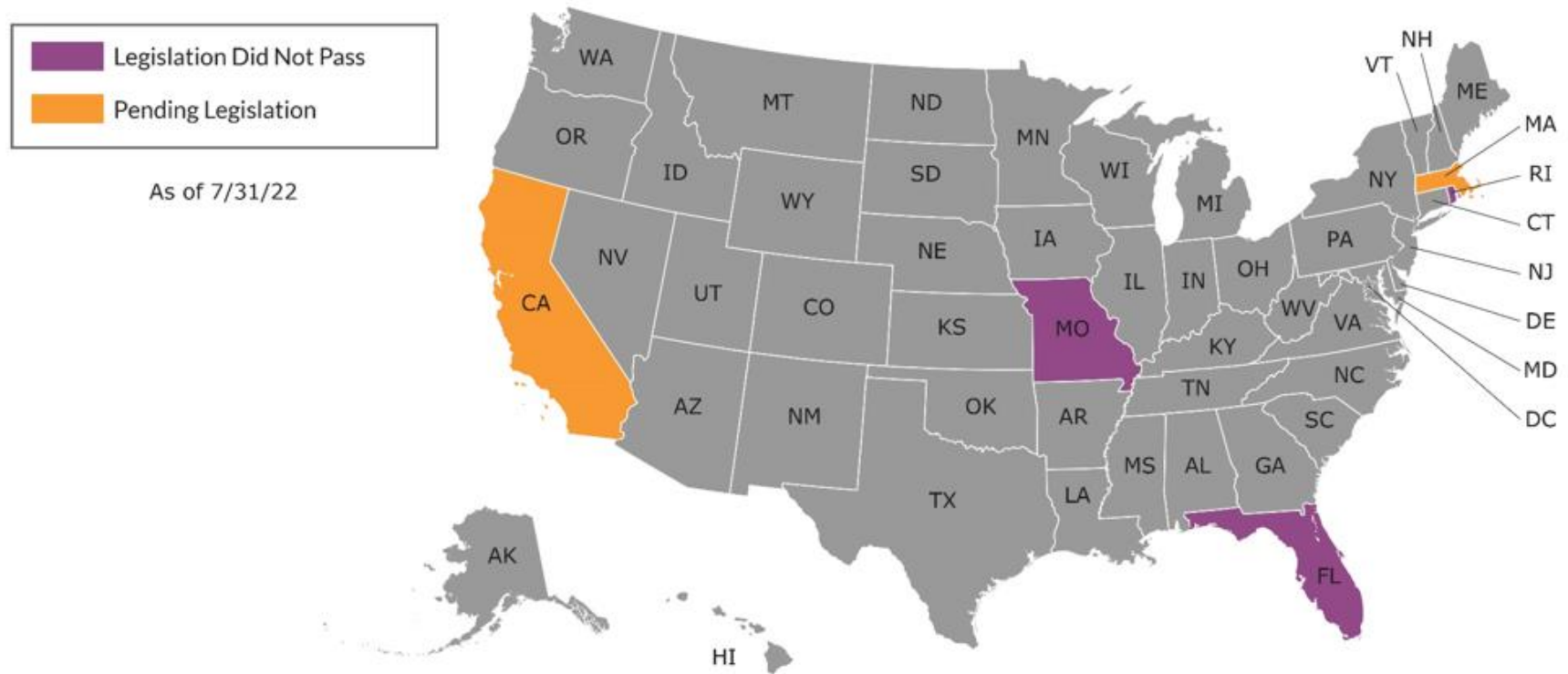
Legislation is pending in **California** and **Massachusetts**. Bills in the other states did not advance.

- **California** (SB 213) would establish a workers compensation presumption for infectious and respiratory diseases—both defined to include COVID-19—for certain hospital employees. It does not include an expiration date. The bill passed the Senate in early 2022 and is currently pending in the Assembly Insurance Committee.
- **Florida** (HB 117/SB 774) would have established a workers compensation presumption for infectious diseases, including COVID-19, for emergency rescue and public safety workers. The infectious disease must be contracted during a public health emergency for the presumption to apply. The legislation did not advance.
- **Massachusetts** (H 2650) would establish a workers compensation presumption for certain contagious diseases, including COVID-19, for certain public safety personnel. The proposal does not include an expiration date. It is currently pending in House committee.
- **Missouri** (HB 2066) would have established a workers compensation presumption for infectious diseases for certain first responders. The proposal did not include an expiration date. The bill died in House committee.
- **Rhode Island** (H 7718) would have established a workers compensation presumption for COVID-19 or other viral infections, classified by an executive order, during a declared state of emergency. The presumption would have been applicable to specified healthcare workers, first responders, and other essential workers. The bill was held in House committee.

For more information, see [COVID-19 Workers Compensation Presumptions Update—Five Things You Need to Know](#), which is available on the INSIGHTS page of [ncci.com](#). NCCI also continues to provide updates on COVID-19 regulatory and legislative activity on our [Legislative Activity page](#) and in our [COVID-19 Resource Center](#) on [ncci.com](#).



Presumptions Beyond COVID-19: 2022 State Activity



Workers Compensation and COVID-19 Vaccinations



At the end of 2021 and the beginning of 2022, it appeared that a new trend may be emerging regarding workers compensation and COVID-19 vaccinations. Several states proposed legislation that either established a workers compensation presumption for an employee's adverse effects from an employer-mandated COVID-19 vaccination or specified that injuries from such required COVID-19 vaccinations are compensable under the workers compensation law.

In addition, a few states proposed legislation creating a private right of action against an employer for certain injuries or death resulting from an employer-mandated COVID-19 vaccination. However, the issue of workers compensation and COVID-19 vaccinations did not gain momentum during the legislative season and to date **none of the bills have been enacted**.

The following states considered legislation establishing a workers compensation presumption for an employee's adverse effects from a COVID-19 vaccination:

- **Kentucky** (HB 54, HB 62) would have created a rebuttable presumption that the COVID-19 vaccine caused an adverse reaction if it was not present prior to vaccination and arises within 14 days of receipt of the vaccine. Both bills failed in House committee.
- **Mississippi** (SB 2020) would have established a workers compensation presumption for vaccine-related accidents and injuries but was not specific to COVID-19 vaccines. The bill failed in Senate committee.
- **Wisconsin** (AB 681/SB 721) would have established a workers compensation presumption for an employee's injury caused by a COVID-19 vaccination. SB 721 passed the Senate but failed in the Assembly, and AB 681 failed in the Assembly.

The following states considered legislation specifying that injuries from COVID-19 vaccinations are compensable under the workers compensation law:

- **Idaho** (H 464, H 593, H 698) provided that COVID-19 vaccination-related accidents or injuries are compensable. H 698 passed the House but failed in the Senate. H 464 and H 593 failed in the House.
- **Missouri** (HB 2358) provided that any injury, disability, or death resulting from an employer-mandated COVID-19 vaccination is considered an occupational disease and is compensable if the vaccination was any factor in causing the injury, disability, or death. The bill passed the House but failed in the Senate.



- **New Hampshire** (HB 1352) provided that an adverse reaction to an employer-mandated COVID-19 vaccination is deemed to be an occupational disease for the purpose of determining eligibility for workers compensation. The bill failed in the House.
- **West Virginia** (HB 4633) in part, provided that an injury or disability caused by an employer-mandated COVID-19 vaccination shall be covered by the workers compensation law and considered a compensable injury. The bill failed in House committee.

The following states considered legislation to create a private right of action against an employer for certain injuries or death resulting from an employer-mandated COVID-19 vaccination:

- **Alabama** (HB 16, HB 29) provided a private right of action against an employer for certain injuries or death resulting from an employer-mandated COVID-19 vaccination of an employee. The bills failed in House committee.
- **West Virginia** (HB 4633) in part, would hold employers liable for all injuries and damages, up to and including death, caused by an employer-mandated COVID-19 vaccine. The bill failed in House committee.
- **West Virginia** (SB 578) provided that workers compensation is the sole and exclusive remedy for a work-related injury, disease, or death caused by or arising from COVID-19 in the course of employment. However, the exclusive remedy would not apply if the employee became ill or died from a disease, injury or illness resulting from receiving an employer-mandated COVID-19 vaccine. The bill died in Senate Committee.

The following states considered other noteworthy vaccine-related legislation:

- **Missouri** (HB 1686) would have prohibited public employer-mandated vaccinations, and provided that an employee “whose rights are violated by this section” and who would otherwise be eligible for workers compensation, is eligible for workers compensation benefits for any injuries sustained “as a result of the employer’s requirement for medical treatment.” The bill passed the House but failed in the Senate.
- **Virginia** (SB 181) would have provided that the COVID-19 workers compensation presumption does not apply to an individual who fails or refuses to receive a COVID-19 vaccination. The bill passed the Senate but died in House committee.

Mental Injuries



NCCI monitored **61** bills addressing workers compensation for workplace-related mental injuries. This includes approximately **46** bills related to post-traumatic stress disorder (PTSD). At this time, **Colorado, Florida, Maine,** and **New Hampshire** have enacted workers compensation mental injury-related legislation in 2022. Legislation is pending in **New York**.

- **Colorado** (HB 22-1354) clarifies provisions in the workers compensation law relating to the release and disclosure of an injured employee's mental health records.
- **Florida** (HB 689) extends workers compensation benefits for PTSD to correctional officers under certain circumstances.
- **Maine** (LD 1879) requires certain reports regarding use of the rebuttable presumption for certain first responders diagnosed with PTSD.
- **New Hampshire** (SB 357) reestablishes the commission to study incidence of PTSD in first responders and ensures that mental health training is available for first responders, law enforcement, fire service, emergency medical service, and corrections personnel.
- **New York** (S 6373) has passed both chambers. The bill addresses workers compensation claims for mental injuries premised upon extraordinary work-related stress.

This year other states considered, but did not pass, bills that would have established workers compensation coverage for PTSD, expanded coverage to additional types of employees, or created a presumption of compensability for PTSD. Some examples include:

- **Connecticut** (SB 321) would have expanded workers compensation coverage for post-traumatic stress disorder to all employees
- **Georgia** (HB 855/SB 484) would have created a rebuttable presumption for first responders for PTSD arising in the course and scope of employment
- **Kansas** (SB 491) would have permitted workers compensation benefits for first responders who suffer from PTSD
- **Kentucky** (HB 356) would have created a rebuttable presumption for PTSD for certain first responders
- **Maryland** (HB 439/SB 374) would have created a presumption for 9-1-1 specialists diagnosed with PTSD



- **Minnesota** (SB 4006) would have created a presumption for licensed registered nurses providing direct care in hospitals who receive a diagnosis of PTSD
- **Missouri** (HB 1640, HB 2064) would have recognized PTSD as an occupational disease for certain first responders and emergency workers
- **North Carolina** (HB 492) would have provided workers compensation coverage for PTSD suffered by a first responder
- **Oklahoma** (HB 3899) would have provided that PTSD suffered while responding to an emergency by a first responder is a compensable injury
- **Pennsylvania** (SB 775) would have provided for workers compensation for PTSD for first responders
- **Tennessee** (HB 1356/SB 1023) would have created a presumption that a firefighter diagnosed with PTSD by a mental health professional incurred the injury in the line of duty
- **Wisconsin** (AB 17, AB 683/SB 680, and AB 778/SB 681) would have provided that certain first responders and public safety workers can bring a claim for workers compensation benefits for PTSD

Marijuana Legalization



While marijuana is still illegal at the federal level, states continue to legalize it in various forms through legislation and ballot measures. States also continue to debate issues around reimbursement for medical marijuana in workers compensation.

So far this year, two states (**Rhode Island** and **Maryland**) passed legislation to legalize the recreational use of marijuana. However, the **Maryland** legislation requires voter approval of a state constitutional amendment before recreational marijuana will be legal in the state.

Mississippi enacted legislation legalizing the medical use of marijuana, which also provided that workers compensation insurers are not required to reimburse for medical marijuana as a workers compensation treatment. **Rhode Island** and **South Dakota** also enacted legislation this year stating that reimbursement is not required. **New Jersey** and **New York** are considering proposals that require workers compensation coverage for medical marijuana treatment under certain circumstances.



The following states considered proposals to legalize recreational marijuana:

- **Maryland** passed legislation (HB 1) to amend the state constitution to legalize recreational marijuana, allowing Maryland voters to decide the issue during the next election.
- **Rhode Island** enacted legislation (H 7593/S 2430) legalizing recreational marijuana for adults 21 and older.
- **Delaware, Missouri, and New Hampshire** introduced multiple proposals to legalize recreational marijuana, but they did not pass. Two **New Hampshire** bills (HB 629 and HB 1598) passed the House but failed in the Senate. **Delaware** HB 371, which would have decriminalized the possession of 1 ounce or less of marijuana for adults 21 or older, passed both houses but was vetoed by the governor.

The following states considered proposals to legalize medical marijuana:

- **Mississippi** enacted a bill (SB 2095) to legalize the medical use of marijuana.
- **North Carolina** (SB 711) would legalize medical marijuana. It passed the Senate and is under consideration in the House.
- **Kansas, Kentucky, and Nebraska** introduced legislation to legalize medical marijuana, but the bills did not advance.

Marijuana Reimbursement



States continue to grapple with the issue of medical marijuana reimbursement in workers compensation and are divided whether to allow, require, or prohibit reimbursement. States also continue to debate the impact of marijuana legalization on drug-testing and drug-free workplaces.

The following states enacted marijuana reimbursement legislation providing that workers compensation insurers **are not required** to reimburse for medical marijuana:

- **Mississippi** (SB 2095) enacted legislation legalizing medical marijuana, which also included language stating that nothing in the new law requires an employer, property and casualty insurer, or workers compensation insurer to pay for or reimburse for costs associated with the medical use of cannabis. In addition, the new law will not impact the workers compensation premium discount available to employers that establish a drug-free workplace program. And the new law will not impact an employer's



right to deny the payment of workers compensation benefits to an employee on the basis of a positive drug test or refusal to submit to a drug test.

- **Rhode Island** (H 7593/S 2430) enacted legislation legalizing recreational marijuana use for adults 21 and older. The legislation included language stating that nothing in the new law requires a workers compensation insurer, workers compensation group self-insurer, or employer self-insured for workers compensation to reimburse a person for costs associated with the medical use of cannabis; or an employer to accommodate the medical use of marijuana in any workplace.
- **South Dakota** (SB 17) enacted legislation providing that nothing requires a workers compensation insurance carrier or self-insured employer providing workers compensation benefits to reimburse a person for costs associated with the medical use of cannabis.

The following states considered, but did not pass, legislation providing that workers compensation insurers **are not required** to reimburse for medical marijuana:

- **Kansas** (SB 560) proposed legislation to legalize medical marijuana. The bill included language stating that nothing in the new law would require a workers compensation carrier or self-insured employer providing workers compensation benefits to reimburse for costs associated with the use of medical marijuana. In addition, nothing in the new law would prohibit an employer from implementing policies to promote workplace health and safety by restricting employees' use of marijuana or establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy.
- **Kentucky** (HB 136, HB 582) proposed legislation to legalize medical marijuana. The bills included provisions stating that nothing in the new law would require a workers compensation carrier or self-funded employer providing workers compensation benefits to reimburse for costs associated with the use of medicinal cannabis. HB 136 passed the House but died in the Senate, while HB 582 died in House committee.
- **Maine** (LD 1881) proposed legislation which provided that the state medical marijuana act may not be construed to require a workers compensation insurer to reimburse a qualifying patient for costs associated with the medical use of marijuana.
- **Nebraska** (LB 1275) would have legalized medical marijuana and included language stating that nothing in the new law requires any employer or workers compensation insurer to reimburse for costs associated with the medical use of marijuana.



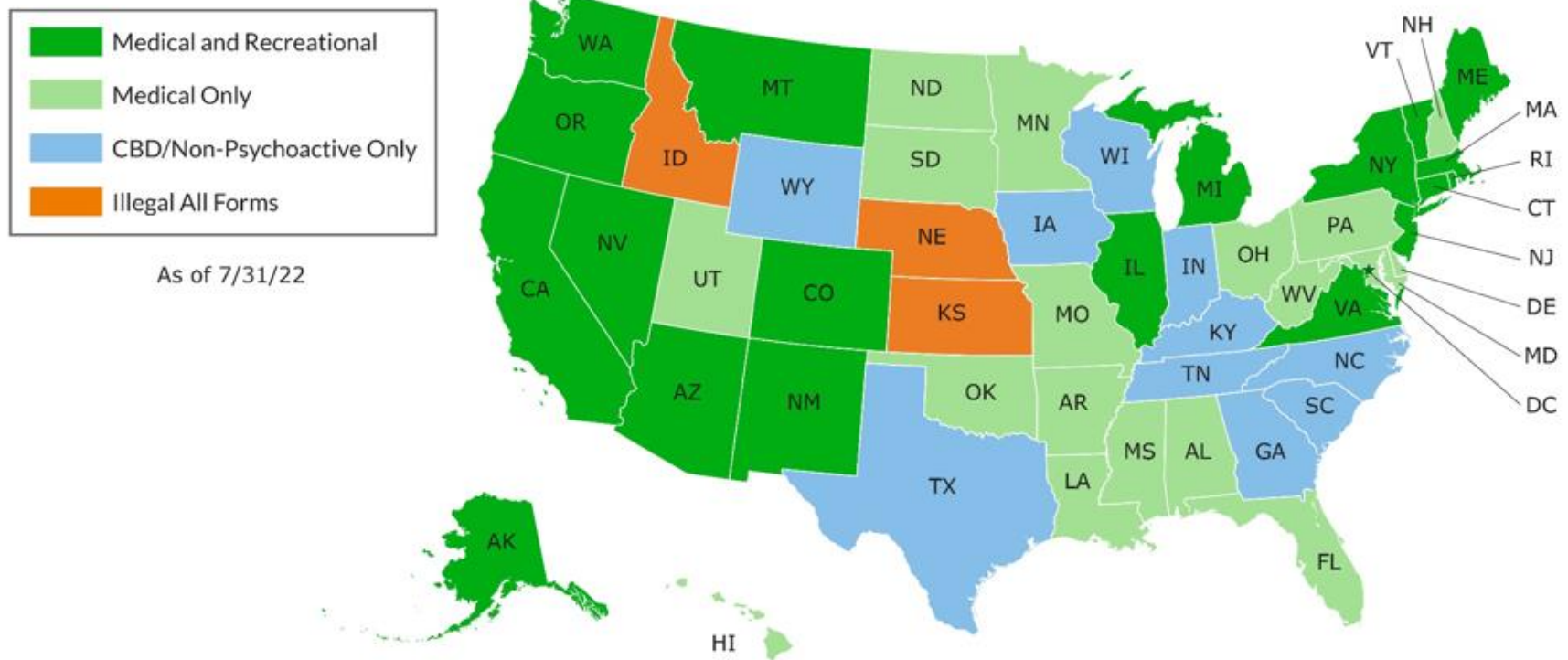
These two states are considering legislation that **requires** workers compensation coverage for medical marijuana treatment under certain circumstances:

- **New Jersey** (A 3511/S 309) requires workers compensation, personal injury protection, and health insurance coverage for the medical use of cannabis under certain circumstances. A 3611 is pending in the Assembly Financial Institutions and Insurance Committee, and S 309 is pending in the Senate Commerce Committee.
- **New York** (A 242/S 8837) deems medical marijuana to be a prescription drug for workers compensation purposes. S 8837 has passed the Senate. Both bills are currently pending in the Assembly Ways and Means Committee.





State Marijuana Legalization Status



Single-Payer Health Insurance



The idea of a single-payer health insurance system has been discussed at both federal and state levels for years. To date, no state has fully implemented such an approach; however, several jurisdictions are studying the issue. Of particular interest are bills that include a reference to workers compensation. In most states that reference workers compensation, the legislation generally contains similar language directing the board of the new state single-payer healthcare program to develop a proposal for coverage of healthcare items and services currently covered under the workers compensation system, including:

- Whether and how to continue funding for those healthcare services currently covered by the workers compensation system
- Whether and how to incorporate an element of experience rating

In 2022, four states—**California, Kansas, New York, and Rhode Island**—considered or are considering single-payer health insurance proposals with a workers compensation component. Legislation is still pending in **New York**, but legislation did not advance in the other states:

- **California** (AB 1400) would have created a universal single-payer healthcare program and required the new board to develop proposals addressing workers compensation and experience rating.
- **Kansas** (HB 2459) would have created a universal single-payer healthcare program and required the new program's board to develop proposals addressing workers compensation and experience rating by July 1, 2024.
- **New York** (A 6058/S 5474), introduced in 2021, would establish a single-payer healthcare program in the state. The bills require the board of the new healthcare program to develop a proposal for healthcare services covered under the workers compensation law. This includes whether and how to continue funding those services under that law and incorporate an element of experience rating. A 6058 is currently pending in the Assembly Ways and Means Committee and S 5474 is in the Senate Health Committee.
- **Rhode Island** (H 8119/S 2769) would have created a universal single-payer healthcare program. The bills require the new program's director to develop procedures for accommodating coverage of healthcare services covered under the workers compensation system. The bills were held in committee.



Independent Contractors/Gig Economy



States continue to debate legislative proposals that provide criteria for determining whether a worker is classified as an employee of a company or as an independent contractor. This year, two states considered legislation to establish a test for determining worker status, similar to California's three-part test (also known as the "ABC" test).

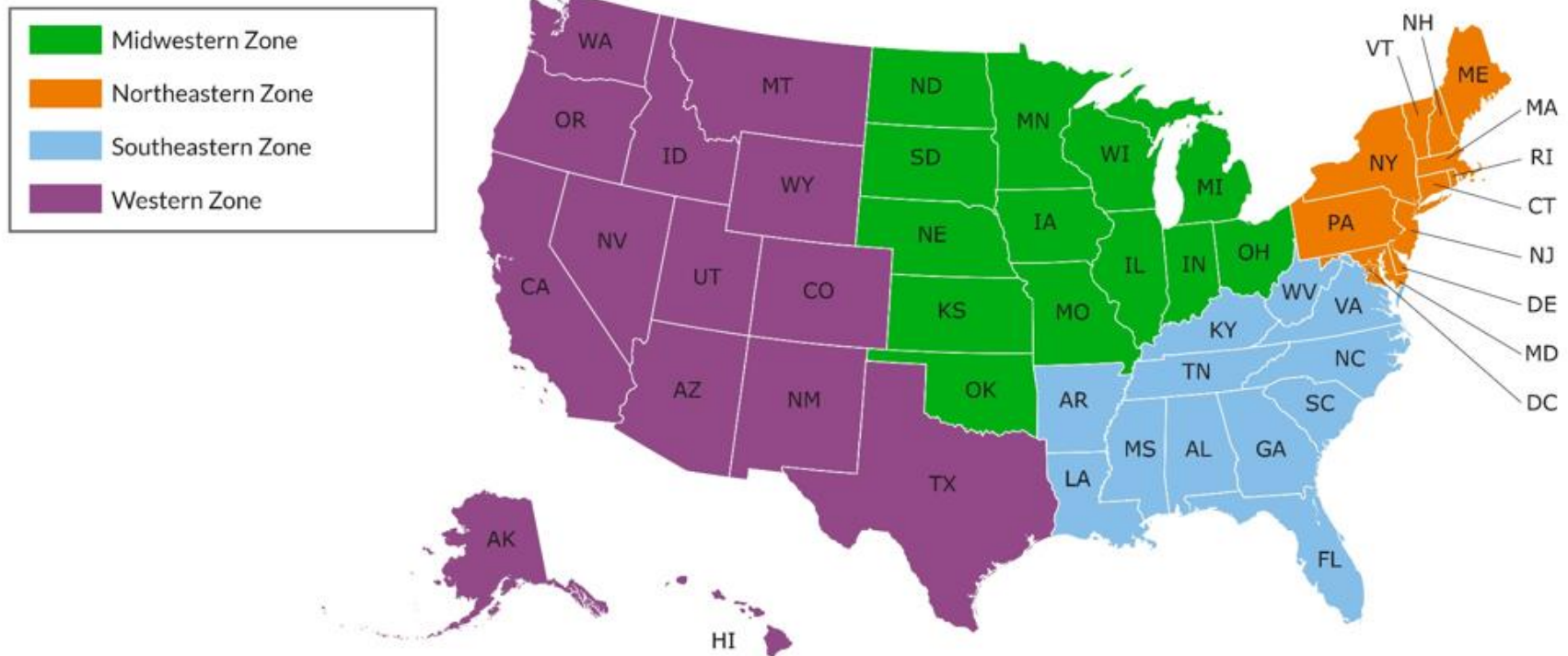
Rhode Island (S 2861) would have created a three-part test to determine whether a worker is an employee or an independent contractor, similar to California's ABC test. The bill was held in Senate committee. **Vermont** (S 203) would have created a multiprong test for determining whether a worker is an employee or an independent contractor, but the bill did not advance this session.

Gig workers, including transportation network company drivers who work for Uber and Lyft, as well as other marketplace contractors, were the focus of legislation in several states during the 2022 legislative session. These states enacted legislation:

- **Alabama** (SB 150) excludes certain marketplace contractors (i.e., gig workers) who work for marketplace platforms (e.g., Uber, Grubhub, Shipt, and others) from the definition of employment and considers them independent contractors
- **South Dakota** (HB 1118) clarifies when a delivery facilitation contractor is an independent contractor of a delivery facilitation platform
- **Washington** (HB 2076) relates to workers compensation coverage for transportation network company drivers under certain conditions



STATES BY ZONE





MIDWESTERN ZONE

The Midwestern Zone includes the following states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

Highlights From the Midwestern Zone

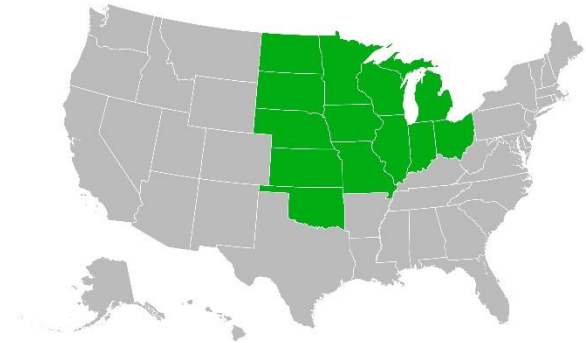
COVID-19 was a topic of interest in the Midwestern Zone this year with one state enacting legislation to extend the expiration date of the COVID-19 workers compensation presumption.

Minnesota enacted HF 1203, which extends the presumption to January 13, 2023, with certain caveats. The **Illinois** House passed legislation (HB 4931) to expand the COVID-19 presumption to include emergency medical dispatchers and public safety telecommunicators, but the bill died in Senate committee. And **Missouri** introduced legislation (HB 2066) to establish an infectious disease workers compensation presumption for firefighters, paramedics, emergency medical technicians, and emergency or 911 dispatchers; but the bill did not advance out of House committee.

In addition, two states in the Midwestern Zone considered legislation addressing workers compensation and COVID-19 vaccinations. **Missouri** HB 2358 would have established that injury, disability, or death from an employer-mandated COVID-19 vaccination is a compensable occupational disease under certain circumstances. And **Wisconsin** SB 721 would have established a workers compensation presumption for injuries caused by an employer-mandated COVID-19 vaccination. The bills did not pass.

Three states in the Midwestern Zone (**Kansas**, **Missouri**, and **Nebraska**) considered, but did not pass, legislation that addressed workers compensation for workplace-related mental injuries. **Kansas** SB 491 and **Missouri** HB 1640 specifically addressed workers compensation for PTSD.

Other noteworthy legislation in the Midwestern Zone included **Oklahoma** SB 524, which was signed by the governor and goes into effect on November 1, 2022. The new law authorizes the insurance commissioner to establish and implement a workers compensation assigned risk plan in the state, including the designation of a third-party administrator. The new assigned risk plan must commence operation no later than June 1, 2024.



NORTHEASTERN ZONE

The Northeastern Zone includes the following jurisdictions: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

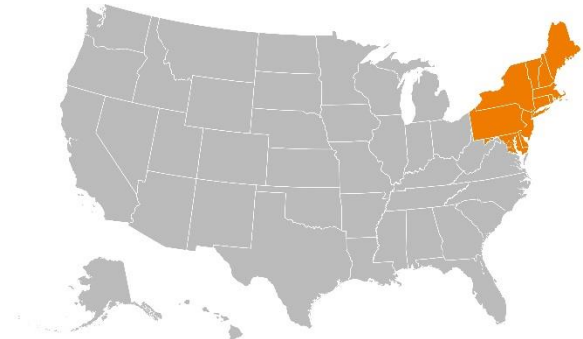
Highlights From the Northeastern Zone

Several states in the Northeastern Zone considered legislation addressing COVID-19 and workers compensation. **Maryland, Pennsylvania, and Rhode Island** proposed legislation to establish new COVID-19 workers compensation presumptions for certain employees. The bills did not advance in **Maryland** and **Rhode Island**. But two **Pennsylvania** bills—HB 2514 and HB 2515—which would establish COVID-19 presumptions for certain first responders and healthcare workers, are pending in House Committee.

There was also legislative activity in the Northeastern Zone addressing the legalization of marijuana. Two states—**Maryland** and **Rhode Island**—passed legislation to legalize recreational marijuana. (**Maryland** HB 1 requires voters in the state to approve amending the state constitution in the next election before going into effect.) The new law in **Rhode Island** also addresses reimbursement for medical marijuana in workers compensation and provides that nothing in the new law requires workers compensation insurers to reimburse for medical marijuana. On the other hand, legislation is pending in the two Northeastern Zone states—**New Jersey** and **New York**—to require workers compensation coverage for medical marijuana treatment under certain conditions.

Several states in the Northeastern Zone proposed legislation addressing workers compensation for workplace-related mental injuries. **Maine** enacted LD 1879, which relates to certain reports to the legislature regarding the use of the rebuttable presumption for certain first responders diagnosed with PTSD. And **New Hampshire** enacted SB 357, which reestablishes a commission to study the incidence of PTSD in first responders. **Connecticut** SB 321, which would have extended workers compensation coverage for PTSD to all employees, passed the Senate but failed in the House. **New York** S 6373 passed both houses but has not been sent to the governor at this time. The bill relates to workers compensation claims for mental injuries premised upon extraordinary work-related stress.

Other noteworthy legislation enacted in the Northeastern Zone included **District of Columbia** B24-0841, which is a temporary emergency measure to provide that an award of compensation under the workers compensation law of any other state does not bar





a claim under the District's workers compensation law for the same injury or death; provided, that any such award under the District's workers compensation law is reduced by the amount of compensation received or awarded under the workers compensation law of any other state. The provisions expire September 26, 2022, but another temporary measure (B24-0842) that extends the provisions into 2023 is currently awaiting Congressional approval. And a permanent measure with similar language (B24-0866) was introduced in June and is pending in committee.

SOUTHEASTERN ZONE

The Southeastern Zone includes the following states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

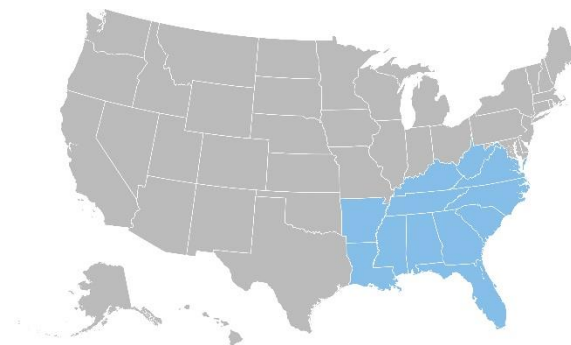
Highlights From the Southeastern Zone

Several states in the Southeastern Zone considered COVID-19-related legislation this year, but **Virginia** was the only state to pass legislation. **Virginia** introduced several bills related to COVID-19 and enacted HB 932, which extended the COVID-19 workers compensation presumption for healthcare providers to December 31, 2022. **Virginia** also considered, but did not pass, legislation that would have expanded the presumption to Juvenile Justice Department and Corrections Department employees; as well as SB 181, which provided that the COVID-19 workers compensation presumption does not apply to an individual who fails or refuses to receive a COVID-19 vaccination.

In addition, **Kentucky** HB 69 would have extended the workers compensation presumption for certain workers to January 31, 2023, but the bill failed in the Senate. **West Virginia** HB 4633, which provided that an injury or disability caused by an employer-mandated COVID-19 vaccination is compensable under the workers compensation law, failed in House committee.

There was also activity on marijuana issues in the Southeastern Zone. **Mississippi** was the only state to legalize medical marijuana this year, although there is pending legislation in **North Carolina** (SB 711). The new **Mississippi** medical marijuana law provides that workers compensation insurers are not required to reimburse for medical marijuana. **Kentucky** considered, but did not pass, legislation to legalize medical marijuana that also would not require reimbursement in workers compensation.

Florida and **Georgia** saw legislative activity around workers compensation for work-related mental injuries. **Florida** enacted legislation to extend workers compensation benefits for PTSD to certain first responders, while **Georgia** legislation relating to workers compensation for first responders for post-traumatic stress disorder did not advance.





Other noteworthy legislation enacted in the Southeastern Zone included **Tennessee** SB 1569, which amends the workers compensation presumption for certain cancers for firefighters by adding leukemia and testicular cancer to the list of cancers. **Alabama** SB 150 excludes certain workers who work for marketplace contractors from the definition of employment and considers them independent contractors. In addition, **Mississippi** SB 2672, which would have revised the exclusive remedy provision to exempt gross negligence claims where the injury was substantially certain to occur, failed in Senate committee.

WESTERN ZONE

The Western Zone includes the following states: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

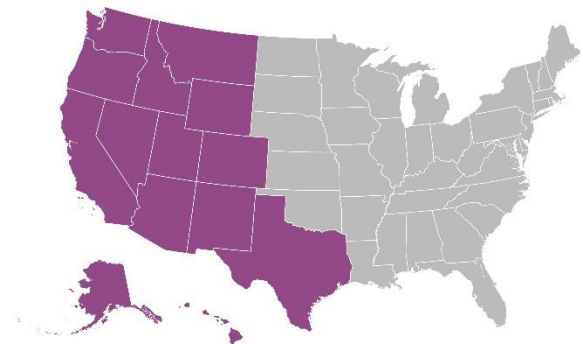
Highlights From the Western Zone

Several states in the Western Zone considered COVID-19 workers compensation presumption legislation. Two bills are currently pending in **California**—AB 1751, which would extend the expiration date for the COVID-19 presumption to 2025, and SB 213, which would establish a workers compensation presumption for COVID-19 and other respiratory and infectious diseases for certain hospital employees.

Idaho considered three bills related to workers compensation for accidents or injuries caused by an employer-mandated COVID-19 vaccination. The bills did not advance.

Oregon and **Wyoming** enacted bills that were related to COVID-19 and workers compensation but were neither COVID-19 presumption-related nor COVID-19 vaccination-related bills. **Wyoming** enacted HB 59, which amends the experience rating system requirements for claims related to COVID-19. **Oregon** enacted SB 1585, which directs the Department of Consumer and Business Services, Employment Department, and Oregon Health Authority to enter into intergovernmental agreement for disclosure of data related to COVID-19 outbreaks in workplaces.

Other noteworthy activity in the Western Zone included two states (**Alaska** and **Oregon**) that enacted legislation adding certain cancers to the workers compensation presumption for firefighters. **Oregon** enacted HB 4113 and **Alaska** enacted SB 131.





NEW INTERACTIVE DASHBOARDS

The new **Regulatory and Legislative Trends** page now offers two interactive dashboards:

- [2022 Enacted Legislation—Interactive Dashboard](#) provides interactive navigation for a countrywide view of 2022 enacted workers compensation-related legislation. You can easily sort information by state, zone, and topic of interest.
- [2021-2022 Loss Cost/Rate Filing—Interactive Dashboard](#) allows you to navigate filed and approved Loss Cost/Rate information based on the 2021–2022 filing season and interact with workers compensation information in new and insightful ways.

The screenshot displays the '2022 Regulatory and Legislative Trends' page. At the top, a purple header reads '2022 Regulatory and Legislative Trends' and 'New Interactive Dashboards'. Below this, a breadcrumb trail shows 'Insights » Regulatory & Legislative'. A profile picture of Laura Kersey is shown with the text 'By Laura Kersey August 31, 2022'. To the right are social media icons for Twitter, LinkedIn, Facebook, Print, and Email. The main content area features three tiles: 'Regulatory and Legislative Trends Report', '2022 Enacted Legislation Interactive Dashboard' (marked 'NEW'), and '2021–2022 Loss Cost/Rate Filing Interactive Dashboard' (marked 'NEW'). To the right of these tiles is a call to action: 'Your Input Helps Transform Our Content'. Below the tiles, a paragraph states: '2022 *Regulatory and Legislative Trends* provides an overview of key legislative, regulatory, and other developments affecting the workers compensation system. This information aligns with the legislative cycle to include the latest countrywide, regional, and individual state actions and trends as of July 31, 2022.' On the right side, under the heading 'RELATED CONTENT', there is a link to the '2021 Regulatory and Legislative Trends Report' with a corresponding thumbnail image.



LEGISLATIVE ACTIVITY ONLINE RESOURCE

Visit the Legislative Activity Online Resource for continual updates on regulatory and legislative developments.

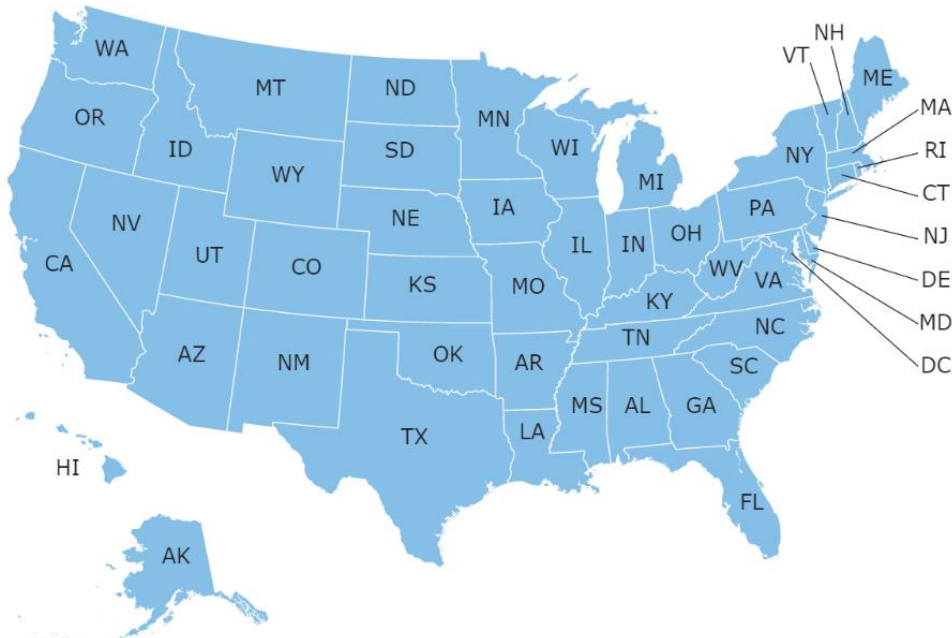
Legislative Activity

As part of our efforts to provide information on workers compensation legislative activity, NCCI identifies and monitors relevant workers compensation-related bills in all jurisdictions and the federal government.

In addition, one of NCCI's core services is providing cost analyses of proposed legislation. Completed NCCI cost analyses of enacted legislation are available for jurisdictions where NCCI provides ratemaking services.

You can access these bills and cost analysis through the interactive map below by clicking on any specific jurisdiction.

Click here to see items for [Federal](#).



COVID-19
Regulatory and
Legislative Activity
[Click Here](#)

STATE ACTIVITY:
COVID-19 WC
PRESUMPTIONS
[Click Here](#)

COVID-19 and
Workers Compensation
RESOURCE CENTER
[Click Here](#)

WHAT'S TRENDING

In Senate Committee US S 4591—Relates to removing cannabis from the federal Controlled Substances Act

Enacted AK SB 131—Relates to adding certain cancers to the workers compensation presumption for firefighters

Enacted NY A 9619—Relates to the authority of the New York Black Car Operators Injury Compensation Fund

Passed Both Chambers NY S 6373—Relates to claims for mental injury premised upon extraordinary work-related stress



LEGISLATIVE ACTIVITY ONLINE RESOURCE: STATE EXAMPLE

Oregon—Legislative Activity



[Industry Information](#) » [Legislative Activity](#)

NCCI's Legislative Activity Page is provided "As Is", solely as a reference tool to be used for informational purposes only. This page contains summaries of various workers compensation related bills as initially drafted, which are subject to change and frequently do. The end user is responsible for ensuring the accuracy of the information contained herein prior to use for any purpose. The information on this page shall not be construed or interpreted as providing legal or any other advice.

BILL STATUS

All Bill Types

All Bill Status

All Bill Years

Filter

Clear Filter

HB 4138 - Enacted
Last Modified: 3/25/2022
Relates to authorization of temporary disability, claim closure and overpayments of compensation.

SB 1585 - Enacted
Last Modified: 3/25/2022
Directs Department of Consumer and Business Services, Employment Department and Oregon Health Authority to enter into intergovernmental agreement for sharing of information to enable Department of Consumer and Business Services to inform beneficiaries of their rights to workers compensation death benefits; restricts Oregon Health Authority to sharing information regarding deaths from COVID-19 associated with workplace outbreaks published by authority.

SB 1529 - Enacted
Last Modified: 3/24/2022
Authorizes the Public Health Director of the Oregon Health Authority to direct and deploy volunteer emergency health care providers during health care emergency; in part, requires the Oregon Health Authority to provide workers compensation coverage for volunteer emergency health care providers.

COST IMPACT ANALYSIS

Content Requires Authentication

Oregon House Bill 4138 (PDF)–
Added on 06/09/22

Oregon House Bill 4086 (PDF)–
Updated on 05/19/22

Oregon Medical Fee Schedule (PDF)
–Updated on 06/09/22

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APPENDIX

These links provide related resources on **ncci.com**.

- Legislative Activity Page
ncci.com/Articles/Pages/II_LegislativeActivity.aspx
- COVID-19 and Workers Compensation Resource Center
ncci.com/Articles/Pages/COVID-19.aspx
- Court Case Insights
ncci.com/articles/pages/Court-Case-Insights.aspx
- State Advisory Resources
ncci.com/Articles/Pages/II_StateAdvisoryForums.aspx
- State Insight*
ncci.com/ServicesTools/Pages/STATEINSIGHT.aspx
- Frequency and Severity Results by State
ncci.com/Articles/Pages/II_Frequency-Severity.aspx
- Summary of Voluntary Loss Cost/Rate Filing Information by State*
ncci.com/Articles/Pages/II_Voluntary_LossCost_RateFiling_Information.aspx
- Underwriting Results by State
ncci.com/Articles/Pages/II_Underwriting_Results_by_State.aspx
- Residual Market Management Summary
ncci.com/Articles/Pages/RM_ResidualMarketManagementSummary.aspx



- Residual Market State Activity Reports
ncci.com/Articles/Pages/RM_ResidualMarketStateActivityReports.aspx
- Circulars*
ncci.com/ServicesTools/Pages/CIRCULARS.aspx

**Content requires authentication.*

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