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### **SURVEY OF STATE WORKERS COMPENSATION COMPENSABILITY STATUTES (States Where NCCI Is the Licensed Rating/Advisory Organization)**

#### **Introduction**

The insurance and business communities are asking many questions about how COVID-19 will impact workers compensation. One that continues to be asked is whether workers compensation claims for COVID-19 are compensable. In most cases, the answer to this question will be determined on a case-by-case basis, under state law.

To gain further understanding of what standards may be applicable to a COVID-19 compensability analysis, NCCI surveyed the workers compensation laws of states where NCCI is a licensed workers compensation rating or advisory organization. Provided below is a general overview of some of the compensability related standards NCCI found in its statutory review, recognizing that this compilation is limited in nature and does not include important areas related to the analysis of compensability, such as statutory construction, burden of proof, and the increased or positional risk doctrines. Any given state also likely has significantly developed case law that further interprets and defines these standards and their application.

Several states have also begun to introduce legislative and regulatory measures to expand compensability for workers on the front line in the fight against COVID-19, such as those in the medical community, first responders, and government employees. For example, Alaska and Utah enacted legislation providing a presumption of compensability for specified occupations such as first responders and health care workers who contract COVID-19. NCCI continues to track COVID-19-related state regulatory and legislative action, including compensability presumptions, which can be found here [COVID-19 Regulatory and Legislative Activity](#).



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### **Compensability in General: Arising Out of the Course and Scope of Employment**

Across the states that NCCI surveyed, the threshold question to determine if an injured worker will obtain workers compensation benefits is: Did the worker's injury or death arise out of the course and scope of employment? Depending on the state, "arising out of" employment generally requires a causal connection between the injury and the *employment*, whereas "in the course of" employment refers to a causal connection to the *workplace* and looks at the time, place, and circumstances under which the accident or injury occurred. Across NCCI states, "course and scope" statutes generally appear as providing compensation for personal/accidental injury arising in and out of employment and occupational disease arising in and out of employment.

### **Statutory Treatment of Injuries**

An injury for workers compensation purposes may be defined by statute in several ways, often as a personal injury or death by accident arising out of and in the course of employment, and such diseases or infection as naturally or unavoidably result from such injury.

Examples of how state statutes may address an **Injury**:

- Some states do not specifically define the term injury (CO, HI, IA, IL, ME, UT, VT, WV)
- In most states, injury is generally defined as personal injury or as injury or death by accident (AL, AK, AZ, AR, CT, DC, FL, GA, ID, MD, MO, MS, NH, NM, OR, RI, SC, SD, TN, VA)
- Other states consider an injury to be a work-related traumatic event (KY), violence, lesion, change, harm or damage to the physical structure of the body (ID, KS, LA, MO, MT, NE, OK, TX), or a sudden and tangible happening of traumatic nature (NV).

### **Statutory Treatment of Occupational Diseases**

Similar to an injury, an occupational disease—which is often generally defined as a disease or illness under workers compensation—must arise in and out of the course of employment. Some states may have a separate statutory section specific to occupational diseases, other states may include occupational diseases under standard workers compensation laws, while a minority do not define an occupational disease at all.

Examples of how state statutes may address an **Occupational Disease**:

- "Occupational disease" not specifically defined: (AK, DC, HI, MS, TN)
- "Occupational disease" is included in the definition of "injury" or is generally treated the same as "injuries": (AL, AK, AR, AZ, CO, CT, DC, FL, GA, HI, IL, KS, KY, LA, MS, NE, NH, OK, OR, RI, SC, SD, TN, TX, VA, VT, WV)
- Additional elements may also be required to establish an occupational disease. For example:



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Relation to Employment:

- Occupational disease is due to the nature of employment, occupation, or process in which the employee was employed (FL, KS, MD, RI)
- Incidental to the character of the business and not independent of the employment or the relation of employer and employee (IA, KY, NM, NV)
- Appears to have had its origin in a risk connected with the employment and to have flowed from that source as a natural consequence (IA, GA, IL, KS, KY, MO, NM, NV), though it need not have been foreseen or expected before its contraction (IA, IL, KY, MO, NM, NV)

For an occupational disease to arise in and out of the course of employment, some states may require that the following elements be met:

- Causal connection or direct causal connection between the conditions under which work is performed and the occupational disease (AZ, IL, KY, MS, NM, NV, VA, WV)
- The disease can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment (AZ, KY, NM, NV, VA, WV)
- The disease can be fairly traced to the employment as the proximate cause (AZ, KY, NM, NV, VA, WV)
- The disease does not come from a hazard to which the employee would have been equally exposed outside of the employment (AZ, NV, WV)
- The disease is neither a disease to which an employee may have had substantial exposure outside of the employment, nor any condition of the neck, back, or spinal column (VA)
- The disease is incidental to the character of the business and not independent of the relation of employer and employee (AZ, VA, WV)
- The disease appears to have had its origin in a risk connected with the employment and to have flowed from that source as a natural consequence, though it need not have been foreseen or expected before its contraction (AZ, VA, WV)

Peculiarity/Causes:

- The occupational disease is peculiar to the occupation, due to the nature, causes, hazards and/or conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment (AL, AR, AZ, CT, FL, GA, ID, LA, ME, NE, NH, NM, RI, SC, SD, VT)
- Due to causes/hazards in excess of the ordinary hazards of employment (AL, CT, GA, NM, SD, SC)
- Caused by substances or activities to which an employee is not ordinarily subjected or exposed other than during a period of regular actual employment (OR)
- Employment conditions/nature were/was the major contributing cause of the disease (FL, OR)
- Causal connection or direct causal connection between the occupation or employment or conditions in which the work is performed and the occupational disease (AR, GA, IA, OK)
- Can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment (CO, GA, IA)
- Can be fairly traced to the employment as the proximate cause (CO)



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#### Ordinary Diseases of Life:

Ordinary diseases of life are generally not considered Occupational Diseases, unless there is an applicable statutory exception. Examples where an ordinary disease of life may be treated as Occupational Disease:

- The disease exists and arose out of and in the course of employment (VA)
- It follows as an incident of occupational disease (MO, SC, TX, VA, WV)
- There is continuous exposure peculiar to the occupation itself which makes such disease a hazard inherent in such occupation (SC)
- Is an infectious or contagious disease contracted in the course of employment in a hospital or sanitarium or laboratory or nursing home, or while otherwise engaged in the direct delivery of health care, or in the course of employment as emergency rescue personnel and those volunteer emergency rescue personnel (VA)
- It is characteristic of the employment and was caused by conditions peculiar to such employment (VA)
- The incidence of the disease is substantially higher in the particular trade, occupation, process, or employment than for the general public (FL)

#### **Examples of Statutory Treatment of Infectious/Contagious Diseases**

In some states, workers compensation statutes may address compensability for infectious or contagious diseases. Depending on the state, the statutory treatment of infectious or contagious diseases could be part of either the injury or occupational disease provisions. For example:

- Contagious diseases are not occupational diseases if they result from exposure to fellow employees or from a hazard to which the employee would have been equally exposed outside of his employment (SC)
- No compensation shall be payable for any contagious or infectious disease unless contracted in the course and scope of employment (OK)
- Injury does not include any communicable disease unless the risk of contracting the disease is increased by the nature of the employment (KY)
- Employees who are exposed to and contract any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits as an occupational disease (MO)
- No compensation shall be payable for any contagious or infectious disease unless contracted in the course of employment in or immediate connection with a hospital or sanitarium in which persons suffering from that disease are cared for or treated (AR)
- The exposure of an employee to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his or her employment shall be deemed to be an injury by accident sustained by the employee arising out of and in the course of his or her employment (NV)
- An ordinary disease of life may be treated as an occupational disease if, in part, it is an infectious or contagious disease contracted in the course of one's employment in a hospital or sanitarium or laboratory or nursing home, or while otherwise engaged in the direct delivery of health care, or in the course of employment as emergency rescue personnel and those volunteer emergency rescue personnel (VA)



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### **Presumptions**

Depending on the state, when an employee is diagnosed with a disease or injury, the employee may be required to prove that the disease or injury arose out of and in the course of employment to receive benefits. If, however, a statutory presumption of compensability exists, and the worker meets certain requirements, then the injury or disease is presumed to have arisen out of and in the course of employment. Contingent on the occupation, there may be a presumption that a certain type of injury arose in the course and scope of employment. In many jurisdictions, compensability rules for firefighters and other first responders, such as police and emergency medical personnel, have been expanded to account for the potential increased risk inherent in their employment.

For example, firefighters, police officers, and other first responders are entitled to a presumption that certain diseases arise in and out of the course of employment.

- Respiratory or pulmonary diseases in general, and including specific diseases such as tuberculosis (AL, AK, AZ, DC, FL, HI, ID, IL, LA, MD, ME, NH, NM, NV, OK, OR, SC, TX, UT, VA, VT, WV)
- Infectious or communicable diseases in general, and including specific diseases such as hepatitis (AL, AK, CO, DC, FL, ID, IL, LA, ME, NM, NV, OK, TX, UT, VA, VT)



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[Compensability—Statutory Survey](#)

<b>Compensability—Statutory Survey</b> (Current as of June 2020) Statutory captions appear as cited in applicable statutes				
State	Compensability Statutes	Injury Statutes	Occupational Disease Statutes	Presumption Statutes: Respiratory/Infectious Diseases/COVID-19
Alabama	<p><b>Ala. Code § 25-5-51-</b> Right to compensation for injuries or death; grounds for denial of compensation</p> <p><b>Ala. Code § 25-5-111-</b> Right to compensation for death or disablement</p> <p><b>Ala. Code § 25-5-52-</b> Manner of compensation, etc., provided by chapter exclusive</p> <p><b>Ala. Code § 25-5-53-</b> Rights and remedies of employees, etc., exclusive; civil and criminal liability of employers, etc.</p>	<p><b>Ala. Code § 25-5-1-</b> Definitions</p>	<p><b>Ala. Code § 25-5-110-</b> Definitions</p>	<p><b>Ala. Code § 11-43-144-</b> Compensation for death or disability of firefighters from occupational diseases</p>



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State	Compensability Statutes	Injury Statutes	Occupational Disease Statutes	Presumption Statutes: Respiratory/Infectious Diseases/COVID-19
Alaska	<b>Alaska Stat. Ann. § 23.30.010-</b> Coverage  <b>Alaska Stat. Ann. § 23.30.055-</b> Exclusiveness of liability	<b>Alaska Stat. Ann. § 23.30.395-</b> Definitions	No statutory definition	<b>Alaska Stat. Ann. § 23.30.121-</b> Presumption of coverage for disability from diseases for certain firefighters  <b>SB 241-</b> Workers' Compensation Presumption of Compensability (enacted, not yet codified) - <i>Presumption for certain workers who contract COVID-19</i>
Arizona	<b>Ariz. Rev. Stat. Ann. § 23-1021-</b> Right of employee to compensation  <b>Ariz. Rev. Stat. Ann. § 23-1022-</b> Compensation as exclusive remedy for employees; definition; exceptions; public agency employees	<b>Ariz. Rev. Stat. Ann. § 23-901-</b> Definitions	<b>Ariz. Rev. Stat. Ann. § 23-901-</b> Definitions  <b>Ariz. Rev. Stat. Ann. § 23-901.01-</b> Occupational disease; proximate causation; definitions	<b>Ariz. Rev. Stat. Ann. § 23-1105-</b> Heart-related, perivascular and pulmonary cases; firefighters; presumption; definition



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Arkansas	<b>Ark. Code Ann. § 11-9-105-</b> Exclusivity of rights and remedies  <b>Ark. Code Ann. § 11-9-601-</b> Compensation	<b>Ark. Code Ann. § 11-9-102-</b> Definitions	<b>Ark. Code Ann. § 11-9-601-</b> Compensation	
Colorado	<b>Colo. Rev. Stat. Ann. § 8-41-301-</b> Conditions of recovery-- definitions—repeal	<b>Colo. Rev. Stat. Ann. § 8-40-201-</b> Definitions	<b>Colo. Rev. Stat. Ann. § 8-40-201-</b> Definitions	<b>Colo. Rev. Stat. Ann. § 8-41-208-</b> Coverage for job-related exposure to or contraction of hepatitis C
Connecticut	<b>Conn. Gen. Stat. Ann. § 31-284-</b> Basic rights and liabilities. Civil action to enjoin noncomplying employer from entering into employment contracts. Notice of availability of compensation	<b>Conn. Gen. Stat. Ann. § 31-275-</b> Definitions	<b>Conn. Gen. Stat. Ann. § 31-275-</b> Definitions  <b>Conn. Gen. Stat. Ann. § 31-294j-</b> Eligibility of municipal firefighters, police officers, constables and volunteer ambulance service members re benefits for diseases arising out of and in the course of employment	



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District of Columbia	<b>D.C. Code Ann. § 32-1503-</b> Coverage  <b>D.C. Code Ann. § 32-1504-</b> Exclusiveness of liability and remedy	<b>D.C. Code Ann. § 32-1501-</b> Definitions		<b>D.C. Code Ann. § 5-652-</b> Presumption as to disability or death from heart disease, hypertension, or respiratory disease  <b>D.C. Code Ann. § 5-654-</b> Presumption as to disability or death from infectious disease



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Florida	<b>Fla. Stat. Ann. § 440.09-</b> Coverage  <b>Fla. Stat. Ann. § 440.151-</b> Occupational diseases  <b>Fla. Stat. Ann. § 440.11-</b> Exclusiveness of liability	<b>Fla. Stat. Ann. § 440.02-</b> Definitions	<b>Fla. Stat. Ann. § 440.151-</b> Occupational diseases	<b>Fla. Stat. Ann. § 112.18-</b> Firefighters and law enforcement or correctional officers; special provisions relative to disability  <b>Fla. Stat. Ann. § 112.181-</b> Firefighters, paramedics, emergency medical technicians, law enforcement officers, correctional officers; special provisions relative to certain communicable diseases
Georgia	<b>Ga. Code Ann. § 34-9-11-</b> Other remedies excluded by this law  <b>Ga. Code Ann. § 34-9-281-</b> Application of law, generally  <b>Ga. Code Ann. § 34-9-289-</b> Exclusiveness of remedy	<b>Ga. Code Ann. § 34-9-1-</b> Definitions	<b>Ga. Code Ann. § 34-9-281-</b> Application of law, generally  <b>Ga. Code Ann. § 34-9-280-</b> Definitions	



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Hawaii	<b>Haw. Rev. Stat. Ann. § 386-3-</b> Injuries covered  <b>Haw. Rev. Stat. Ann. § 386-5-</b> Exclusiveness of right to compensation; exception			<b>Haw. Rev. Stat. Ann. § 88-79-</b> Service-connected disability retirement
Idaho	<b>Idaho Code Ann. § 72-211-</b> Exclusiveness of employee's remedy  <b>Idaho Code Ann. § 72-209-</b> Exclusiveness of liability of employer	<b>Idaho Code Ann. § 72-102-</b> Definitions	<b>Idaho Code Ann. § 72-102-</b> Definitions  <b>Idaho Code Ann. § 72-438-</b> Occupational diseases	<b>Idaho Code Ann. § 72-438-</b> Occupational diseases



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Illinois	<b>820 Ill. Comp. Stat. Ann. 305/2-</b> Accidental injuries; election to accept or reject Act; notice; withdrawal of election  <b>820 Ill. Comp. Stat. Ann. 310/7-</b> Compensation and benefits as provided by the Workers' Compensation Act		<b>820 Ill. Comp. Stat. Ann. 310/1-</b> Citation of Act; definitions; presumption of exposure; parties liable; limitations	<b>820 Ill. Comp. Stat. Ann. 310/1-</b> Citation of Act; definitions; presumption of exposure; parties liable; limitations  <b>820 Ill. Comp. Stat. Ann. 305/6-</b> Posting of notices by employer; records and reports of injuries; notice of accident; limitations; contracts made within seven days after injury  <a href="#">HB 2455- Workers' compensation presumption for first responders and front-line workers (enacted, to be codified as IL ST CH 820 § 310/1) - Presumption for certain workers who contract COVID-19</a>



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Iowa	<b>Iowa Code Ann. § 85.20-</b> Rights of employee exclusive	<b>Iowa Code Ann. § 85.61-</b> Definitions	<b>Iowa Code Ann. § 85A.8-</b> Occupational disease defined	
Kansas	<b>Kan. Stat. Ann. § 44-501b-</b> Legislative intent; employer obligation, burden of proof; liability  <b>Kan. Stat. Ann. § 44-5a01-</b> Occupational diseases; treated as injuries by accident under workmen's compensation act; defined; limitations of liability; aggravations	<b>Kan. Stat. Ann. § 44-508-</b> Definitions	<b>Kan. Stat. Ann. § 44-5a01-</b> Occupational diseases; treated as injuries by accident under workmen's compensation act; defined; limitations of liability; aggravations	
Kentucky	<b>Ky. Rev. Stat. Ann. § 342.690-</b> Exclusiveness of liability	<b>Ky. Rev. Stat. Ann. § 342.0011-</b> Definitions for chapter	<b>Ky. Rev. Stat. Ann. § 342.0011-</b> Definitions for chapter	



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Louisiana	<b>La. Stat. Ann. § 23:1031-</b> Employee's right of action; joint employers, extent of liability; borrowed employees  <b>La. Stat. Ann. § 23:1031.1-</b> Occupational disease  <b>La. Stat. Ann. § 23:1032-</b> Exclusiveness of rights and remedies; employer's liability to prosecution under other laws  <b>La. Stat. Ann. § 23:1031.1-</b> Occupational disease	<b>La. Stat. Ann. § 23:1021-</b> Terms defined	<b>La. Stat. Ann. § 23:1031.1-</b> Occupational disease	<b>La. Stat. Ann. § 33:2581-</b> Development of heart and lung disease during employment in classified fire service; occupational disease  <b>La. Stat. Ann. § 33:1948-</b> Development of Hepatitis B or Hepatitis C during employment in fire or police service; occupational disease



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Maine	<b>Me. Rev. Stat. tit. 39-A, § 201-</b> Entitlement to compensation and services generally  <b>Me. Rev. Stat. tit. 39-A, § 104-</b> Applicability to certain actions and employers; exemptions		<b>Me. Rev. Stat. tit. 39-A, § 603-</b> Occupational disease defined	<b>Me. Rev. Stat. tit. 39-A, § 328-</b> Cardiovascular injury or disease and pulmonary disease suffered by a firefighter or resulting in a firefighter's death
Maryland	<b>Md. Code Ann., Lab. &amp; Empl. § 9-501-</b> Accidental personal injury  <b>Md. Code Ann., Lab. &amp; Empl. § 9-502-</b> Occupational disease—Compensation  <b>Md. Code Ann., Lab. &amp; Empl. § 9-509-</b> Exclusivity of compensation	<b>Md. Code Ann., Lab. &amp; Empl. § 9-101-</b> Definitions	<b>Md. Code Ann., Lab. &amp; Empl. § 9-502-</b> Occupational disease—Compensation	<b>Md. Code Ann., Lab. &amp; Empl. § 9-503-</b> Occupational disease-Presumption



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Mississippi	<b>Miss. Code. Ann. § 71-3-7-</b> Payment of compensation by employer  <b>Miss. Code. Ann. § 71-3-9-</b> Employer liability exclusive	<b>Miss. Code. Ann. § 71-3-3-</b> Definitions	<b>Miss. Code. Ann. § 71-3-7-</b> Payment of compensation by employer  <b>Miss. Code. Ann. § 71-3-3-</b> Definitions	
Missouri	<b>Mo. Ann. Stat. § 287.120-</b> Liability of employer set out-- compensation increased or reduced, when--use of alcohol or controlled substances or voluntary recreational activities, injury from--effect on compensation--mental injuries, requirements, firefighter stress not affected	<b>Mo. Ann. Stat. § 287.020-</b> Definitions--intent to abrogate earlier case law	<b>Mo. Ann. Stat. § 287.067-</b> Occupational disease defined--repetitive motion, loss of hearing, radiation injury, communicable disease, others	



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Montana	<b>Mont. Code Ann. § 39-71-407-</b> Liability of insurers—limitations  <b>Mont. Code Ann. § 39-71-411-</b> Provisions of chapter exclusive remedy--nonliability of insured employer	<b>Mont. Code Ann. § 39-71-119-</b> Injury and accident defined	<b>Mont. Code Ann. § 39-71-116-</b> Definitions  <b>Mont. Code Ann. § 39-71-407-</b> Liability of insurers—limitations	
Nebraska	<b>Neb. Rev. Stat. Ann. § 48-101-</b> Personal injury; employer's liability; compensation, when  <b>Neb. Rev. Stat. Ann. § 48-111-</b> Elective compensation; election; effect; exemption from liability; exception	<b>Neb. Rev. Stat. Ann. § 48-151-</b> Terms, defined	<b>Neb. Rev. Stat. Ann. § 48-151-</b> Terms, defined	



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Nevada	<p><b>Nev. Rev. Stat. Ann. § 616A.020-</b> Rights and remedies exclusive; terms and conditions for payment of compensation conclusive, compulsory and obligatory; application of exclusive remedies to certain employers</p> <p><b>Nev. Rev. Stat. Ann. § 617.017-</b> Rights and remedies exclusive; provisions of chapter conclusive and obligatory; exclusive remedy extends to architects and engineers working for contractor; compensation bars recovery in other states</p>	<p><b>Nev. Rev. Stat. Ann. § 616A.265-</b> “Injury” and “personal injury” defined</p>	<p><b>Nev. Rev. Stat. Ann. § 617.440-</b> Requirements for occupational disease to be deemed to arise out of and in course of employment; applicability</p> <p><b>Nev. Rev. Stat. Ann. § 617.450-</b> Specific occupational diseases; schedule</p>	<p><b>Nev. Rev. Stat. Ann. § 616A.265-</b> “Injury” and “personal injury” defined</p> <p><b>Nev. Rev. Stat. Ann. § 617.455-</b> Lung diseases as occupational diseases of firefighters, police officers and arson investigators</p> <p><b>Nev. Rev. Stat. Ann. § 617.485-</b> Hepatitis as occupational disease of police officers, firefighters and emergency medical attendants</p> <p><b>Nev. Rev. Stat. Ann. § 617.487-</b> Hepatitis as occupational disease of certain other police officers</p>



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<b>Compensability—Statutory Survey</b> (Current as of June 2020) Statutory captions appear as cited in applicable statutes				
State	Compensability Statutes	Injury Statutes	Occupational Disease Statutes	Presumption Statutes: Respiratory/Infectious Diseases/COVID-19
New Hampshire	<b>N.H. Rev. Stat. Ann. § 281-A:8-</b> Employees Presumed to Have Accepted	<b>N.H. Rev. Stat. Ann. § 281-A:2-</b> Definitions	<b>N.H. Rev. Stat. Ann. § 281-A:2-</b> Definitions	<b>N.H. Rev. Stat. Ann. § 281-A:17-</b> Firefighter and Heart, Lung, or Cancer Disease
New Mexico	<b>N.M. Stat. Ann. § 52-1-9-</b> Right to compensation; exclusive  <b>N.M. Stat. Ann. § 52-3-8-</b> Right to compensation; exclusive when	<b>N.M. Stat. Ann. § 52-1-19-</b> Injury by accident; course of employment	<b>N.M. Stat. Ann. § 52-3-33-</b> Occupational diseases; definition  <b>N.M. Stat. Ann. § 52-3-32-</b> Occupational diseases; proximate causation	<b>N.M. Stat. Ann. § 52-3-32.1-</b> Firefighter occupational conditions
Oklahoma	<b>Okla. Stat. Ann. tit. 85A, § 2-</b> Definitions  <b>Okla. Stat. Ann. tit. 85A, § 65-</b> Occupational disease  <b>Okla. Stat. Ann. tit. 85A, § 5-</b> Exclusive liability—Immunity	<b>Okla. Stat. Ann. tit. 85A, § 2-</b> Definitions	<b>Okla. Stat. Ann. tit. 85A, § 65-</b> Occupational disease	<b>Okla. Stat. Ann. tit. 11, § 49-110-</b> Certificates of disability--Presumptions--Medical evidence and records



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State	Compensability Statutes	Injury Statutes	Occupational Disease Statutes	Presumption Statutes: Respiratory/Infectious Diseases/COVID-19
Oregon	<b>Or. Rev. Stat. Ann. § 656.018-</b> Liability of employer when compensation coverage provided; exclusive nature of remedy	<b>Or. Rev. Stat. Ann. § 656.005-</b> Definitions governing construction of chapter	<b>Or. Rev. Stat. Ann. § 656.804-</b> Occupational diseases; status as injury under Workers' Compensation Law  <b>Or. Rev. Stat. Ann. § 656.802-</b> "Occupational disease" defined	<b>Or. Rev. Stat. Ann. § 656.802-</b> "Occupational disease" defined
Rhode Island	<b>28 R.I. Gen. Laws Ann. § 28-33-1-</b> Employees entitled to compensation  <b>28 R.I. Gen. Laws Ann. § 28-34-2-</b> Occupational diseases listed--Treatment as compensable injury  <b>28 R.I. Gen. Laws Ann. § 28-29-20-</b> Rights in lieu of other rights and remedies	<b>28 R.I. Gen. Laws Ann. § 28-29-2-</b> Definitions	<b>28 R.I. Gen. Laws Ann. § 28-34-1-</b> Definitions  <b>28 R.I. Gen. Laws Ann. § 28-34-4-</b> Relationship of disease to employment--Time of bringing suit  <b>28 R.I. Gen. Laws Ann. § 28-34-2-</b> Occupational diseases listed--Treatment as compensable injury	



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State	Compensability Statutes	Injury Statutes	Occupational Disease Statutes	Presumption Statutes: Respiratory/Infectious Diseases/COVID-19
South Carolina	<b>S.C. Code Ann. § 42-1-540-</b> Employee's rights and remedies under title exclude all others against employer  <b>S.C. Code Ann. § 42-11-40-</b> Occupational diseases treated as injuries by accident	<b>S.C. Code Ann. § 42-1-160-</b> “Injury” and “personal injury” defined	<b>S.C. Code Ann. § 42-11-10-</b> “Occupational disease” defined	<b>S.C. Code Ann. § 42-11-30-</b> Presumptions; heart or respiratory disease as to firefighters; cardiac-related incident as to law enforcement officers; report of physical examination required.
South Dakota	<b>S.D. Codified Laws § 62-3-2-</b> Rights and remedies of employees limited  <b>S.D. Codified Laws § 62-8-4-</b> Right to compensation-- Applicability of workers' compensation law	<b>S.D. Codified Laws § 62-1-1-</b> Definition of terms	<b>S.D. Codified Laws § 62-8-1-</b> Definition of terms	
Tennessee	<b>Tenn. Code Ann. § 50-6-103-</b> Compensation for personal injury or death; exemptions  <b>Tenn. Code Ann. § 50-6-108-</b> Exclusive rights and remedies; third party indemnity	<b>Tenn. Code Ann. § 50-6-102-</b> Definitions	<b>Tenn. Code Ann. § 50-6-302-</b> Retroactivity; coal workers pneumoconiosis	



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State	Compensability Statutes	Injury Statutes	Occupational Disease Statutes	Presumption Statutes: Respiratory/Infectious Diseases/COVID-19
Texas	<b>Tex. Labor Code Ann. § 408.001-</b> Exclusive Remedy; Exemplary Damages	<b>Tex. Labor Code Ann. § 401.011-</b> General Definitions	<b>Tex. Labor Code Ann. § 401.011-</b> General Definitions	<b>Tex. Gov’t Code Ann. § 607.054-</b> Tuberculosis or Other Respiratory Illness
Utah	<b>Utah Code Ann. § 34A-2-401-</b> Compensation for industrial accidents to be paid  <b>Utah Code Ann. § 34A-3-104-</b> Employer liability for compensation  <b>Utah Code Ann. § 34A-2-105-</b> Exclusive remedy against employer, and officer, agent, or employee of employer  <b>Utah Code Ann. § 34A-3-102-</b> Chapter to be administered by commission--Exclusive remedy	<b>Utah Code Ann. § 34A-2-102-</b> Definition of terms	<b>Utah Code Ann. § 34A-3-103-</b> Occupational diseases	<b>Utah Code Ann. § 78B-8-401-</b> Workers' compensation presumption for emergency medical services providers  <b>HB 3007-</b> Workers' compensation presumption for first responders (enacted, to be codified as Utah Code Ann. § 34A-2-1102) - <i>Presumption for certain workers who contract COVID-19</i>



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Vermont	<b>Vt. Stat. Ann. tit. 21, § 618-</b> Compensation for personal injury  <b>Vt. Stat. Ann. tit. 21, § 622-</b> Right to compensation exclusive	<b>Vt. Stat. Ann. tit. 21, § 601-</b> Definitions	<b>Vt. Stat. Ann. tit. 21, § 601-</b> Definitions	<b>Vt. Stat. Ann. tit. 21, § 601-</b> Definitions
Virginia	<b>Va. Code Ann. § 65.2-307-</b> Employee's rights under Act exclude all others; exception  <b>Va. Code Ann. § 65.2-403-</b> Provisions in respect to injury by accident, etc., applicable to occupational disease	<b>Va. Code Ann. § 65.2-101-</b> Definitions	<b>Va. Code Ann. § 65.2-400-</b> “Occupational disease” defined  <b>Va. Code Ann. § 65.2-401-</b> “Ordinary disease of life” coverage	<b>Va. Code Ann. § 65.2-402-</b> Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer  <b>Va. Code Ann. § 65.2-402.1-</b> Presumption as to death or disability from infectious disease



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State	Compensability Statutes	Injury Statutes	Occupational Disease Statutes	Presumption Statutes: Respiratory/Infectious Diseases/COVID-19
West Virginia	<p><b>W. Va. Code Ann. § 23-4-1-</b> To whom compensation fund disbursed; occupational pneumoconiosis and other occupational diseases included in “injury” and “personal injury”; definition of occupational pneumoconiosis and other occupational diseases; rebuttable presumption for cardiovascular injury and disease or pulmonary disease for firefighters</p> <p><b>W. Va. Code Ann. § 23-2-6-</b> Exemption of contributing employers from liability</p>	<p><b>W. Va. Code Ann. § 23-4-1-</b> To whom compensation fund disbursed; occupational pneumoconiosis and other occupational diseases included in “injury” and “personal injury”; definition of occupational pneumoconiosis and other occupational diseases; rebuttable presumption for cardiovascular injury and disease or pulmonary disease for firefighters</p>	<p><b>W. Va. Code Ann. § 23-4-1-</b> To whom compensation fund disbursed; occupational pneumoconiosis and other occupational diseases included in “injury” and “personal injury”; definition of occupational pneumoconiosis and other occupational diseases; rebuttable presumption for cardiovascular injury and disease or pulmonary disease for firefighters</p>	<p><b>W. Va. Code Ann. § 23-4-1-</b> To whom compensation fund disbursed; occupational pneumoconiosis and other occupational diseases included in “injury” and “personal injury”; definition of occupational pneumoconiosis and other occupational diseases; rebuttable presumption for cardiovascular injury and disease or pulmonary disease for firefighters</p>