

House Bill 700

By: Representatives Frye of the 118<sup>th</sup>, Beverly of the 143<sup>rd</sup>, Smyre of the 135<sup>th</sup>, Kendrick of the 93<sup>rd</sup>, Wilson of the 80<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

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

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

10 "34-9-280.

11 As used in this article, the term:

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

16 ~~(1)~~(2) 'Disablement' means the event of an employee becoming actually disabled to  
17 work, as provided in Code Sections 34-9-261, 34-9-262, and 34-9-263, because of  
18 occupational disease.

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

21 ~~(2)~~(4) 'Occupational disease' means those diseases which arise out of and in the course  
22 of the particular trade, occupation, process, or employment in which the employee is  
23 exposed to such disease, provided the employee or the employee's dependents first prove  
24 to the satisfaction of the State Board of Workers' Compensation all of the following:

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

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

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

31 (D) That the disease is not an ordinary disease of life to which the general public is  
32 exposed; provided, however, that COVID-19 shall not be considered to be an ordinary  
33 disease of life for an essential worker, if contracted within five calendar days of  
34 performing work for the employer; and

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

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

41

**SECTION 2.**

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