

**CS FOR HOUSE BILL NO. 45(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/20/21

Referred: Finance

Sponsor(s): REPRESENTATIVE JOSEPHSON

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to presumption of compensability for workers' compensation claims**  
2 **related to contagious diseases; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 23.30 is amended by adding a new section to read:

5 **Sec. 23.30.118. Presumption of compensability for a contagious disease. (a)**

6 There is a presumption that an employee's claim for compensation as a result of a  
7 contagious disease is within the provisions of this chapter if, during a condition of  
8 disaster emergency declared by the governor under AS 26.23.020(c) due to an  
9 outbreak of the contagious disease, the employee

10 (1) is employed in an occupation listed in (b)(2) of this section;

11 (2) receives a diagnosis by a physician of, or positive laboratory test  
12 for, the contagious disease; and

13 (3) worked outside the employee's home in the occupation and had  
14 work-related in-person contact with a member of the public within 14 days before the

1 employee receives a diagnosis or positive laboratory test.

2 (b) The presumption of compensability described in (a) of this section

3 (1) may be rebutted only by clear and convincing evidence that the  
4 employee contracted the contagious disease through exposure to the disease that was  
5 not work related;

6 (2) applies only to the following occupations:

7 (A) emergency medical technician;

8 (B) firefighter;

9 (C) health care provider;

10 (D) paramedic;

11 (E) peace officer;

12 (F) employee of a child care facility;

13 (G) employee of a grocery store;

14 (H) teacher;

15 (I) employee of a farmer's market;

16 (J) employee of a vendor who sells products directly to  
17 consumers at a farmer's market;

18 (K) employee who performs services that the commissioner  
19 determines place the employee at a similar risk of being exposed to or  
20 contracting the contagious disease as the occupations listed in (A) - (J) of this  
21 paragraph.

22 (c) In this section,

23 (1) "child care facility" has the meaning given in AS 47.25.095;

24 (2) "contagious disease" has the meaning given in AS 18.15.395;

25 (3) "emergency medical technician" has the meaning given in  
26 AS 18.08.200;

27 (4) "farmer's market" means a seasonal market

28 (A) operated under the sponsorship of a community  
29 organization; and

30 (B) the main purpose of which is to provide an opportunity for  
31 producers to sell agricultural products directly to consumers;

- 1 (5) "firefighter" means  
 2 (A) a person employed by a state or municipal fire department  
 3 or who is a member of a volunteer fire department registered with the state fire  
 4 marshal; or  
 5 (B) a person registered for purposes of workers' compensation  
 6 with the state fire marshal as a member of a volunteer fire department;  
 7 (6) "grocery store" has the meaning given in AS 44.25.048;  
 8 (7) "health care provider" has the meaning given in AS 13.52.390;  
 9 (8) "paramedic" has the meaning given in AS 12.55.185;  
 10 (9) "peace officer" has the meaning given in AS 11.81.900;  
 11 (10) "teacher" means a member of the teaching, supervisory, or  
 12 administrative corps in the public schools of the state.

13 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
 14 read:

15 RETROACTIVITY. AS 23.30.118, enacted by sec. 1 of this Act, is retroactive to  
 16 November 15, 2020, for the occupations listed in AS 23.30.118(b)(2)(A) - (E).

17 \* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).