

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CONFIRMING COVERAGE UNDER WORKERS'
5 COMPENSATION FOR ESSENTIAL EMPLOYEES RELATED TO COVID-19; PROVIDING CONDITIONS;
6 APPLYING TO CERTAIN ESSENTIAL EMPLOYEES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE,
7 A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Occupational disease for essential employees -- applicability --**
12 **definitions.** (1) An essential employee who contracts covid-19 is conclusively presumed to have contracted an
13 occupational disease arising out of and in the course of employment if the employee:

- 14 (a) is exposed to covid-19 in the course of employment as an essential worker; and
- 15 (b) receives a:
 - 16 (i) covid-19 diagnosis by a physician, physician assistant, or advanced practice registered nurse;
 - 17 (ii) presumptive positive covid-19 test result; or
 - 18 (iii) laboratory-confirmed covid-19 diagnosis.

19 (2) For the purposes of this section, "essential employee" means a public safety employee, a school
20 employee, or any other employee declared to be an essential employee pursuant to a public health order of the
21 governor or federal directives, provided that the employee was required to work at the physical location of the
22 employment at any time, up to 20 days prior to the diagnosis of covid-19.

23 (3) The presumption created in subsection (1) may be rebutted by clear and convincing evidence in a
24 court of competent jurisdiction establishing that the employee engaged in conduct or activities outside of
25 employment that substantially violated the then existent public health orders related to covid-19.

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27 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
28 integral part of Title 39, chapter 71, and the provisions of Title 39, chapter 71, apply to [section 1].

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NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 4. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to March 12, 2020.

NEW SECTION. **Section 5. Termination.** [This act] terminates March 12, 2030.

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