

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 668**

**Representative Baldrige**

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**A BILL**

To amend section 4123.68 of the Revised Code to 1  
make COVID-19 contracted by a peace officer, 2  
firefighter, or emergency medical worker an 3  
occupational disease under the Workers' 4  
Compensation Law and to declare an emergency. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4123.68 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 4123.68.** Every employee who is disabled because of 8  
the contraction of an occupational disease or the dependent of 9  
an employee whose death is caused by an occupational disease, is 10  
entitled to the compensation provided by sections 4123.55 to 11  
4123.59 and 4123.66 of the Revised Code subject to the 12  
modifications relating to occupational diseases contained in 13  
this chapter. An order of the administrator issued under this 14  
section is appealable pursuant to sections 4123.511 and 4123.512 15  
of the Revised Code. 16

The following diseases are occupational diseases and 17  
compensable as such when contracted by an employee in the course 18  
of the employment in which such employee was engaged and due to 19

the nature of any process described in this section. A disease 20  
which meets the definition of an occupational disease is 21  
compensable pursuant to this chapter though it is not 22  
specifically listed in this section. 23

SCHEDULE 24

Description of disease or injury and description of 25  
process: 26

(A) Anthrax: Handling of wool, hair, bristles, hides, and 27  
skins. 28

(B) Glanders: Care of any equine animal suffering from 29  
glanders; handling carcass of such animal. 30

(C) Lead poisoning: Any industrial process involving the 31  
use of lead or its preparations or compounds. 32

(D) Mercury poisoning: Any industrial process involving 33  
the use of mercury or its preparations or compounds. 34

(E) Phosphorous poisoning: Any industrial process 35  
involving the use of phosphorous or its preparations or 36  
compounds. 37

(F) Arsenic poisoning: Any industrial process involving 38  
the use of arsenic or its preparations or compounds. 39

(G) Poisoning by benzol or by nitro-derivatives and amido- 40  
derivatives of benzol (dinitro-benzol, anilin, and others): Any 41  
industrial process involving the use of benzol or nitro- 42  
derivatives or amido-derivatives of benzol or its preparations 43  
or compounds. 44

(H) Poisoning by gasoline, benzine, naphtha, or other 45  
volatile petroleum products: Any industrial process involving 46

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| the use of gasoline, benzine, naphtha, or other volatile         | 47 |
| petroleum products.                                              | 48 |
| (I) Poisoning by carbon bisulphide: Any industrial process       | 49 |
| involving the use of carbon bisulphide or its preparations or    | 50 |
| compounds.                                                       | 51 |
| (J) Poisoning by wood alcohol: Any industrial process            | 52 |
| involving the use of wood alcohol or its preparations.           | 53 |
| (K) Infection or inflammation of the skin on contact             | 54 |
| surfaces due to oils, cutting compounds or lubricants, dust,     | 55 |
| liquids, fumes, gases, or vapors: Any industrial process         | 56 |
| involving the handling or use of oils, cutting compounds or      | 57 |
| lubricants, or involving contact with dust, liquids, fumes,      | 58 |
| gases, or vapors.                                                | 59 |
| (L) Epithelion cancer or ulceration of the skin or of the        | 60 |
| corneal surface of the eye due to carbon, pitch, tar, or tarry   | 61 |
| compounds: Handling or industrial use of carbon, pitch, or tarry | 62 |
| compounds.                                                       | 63 |
| (M) Compressed air illness: Any industrial process carried       | 64 |
| on in compressed air.                                            | 65 |
| (N) Carbon dioxide poisoning: Any process involving the          | 66 |
| evolution or resulting in the escape of carbon dioxide.          | 67 |
| (O) Brass or zinc poisoning: Any process involving the           | 68 |
| manufacture, founding, or refining of brass or the melting or    | 69 |
| smelting of zinc.                                                | 70 |
| (P) Manganese dioxide poisoning: Any process involving the       | 71 |
| grinding or milling of manganese dioxide or the escape of        | 72 |
| manganese dioxide dust.                                          | 73 |
| (Q) Radium poisoning: Any industrial process involving the       | 74 |

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| use of radium and other radioactive substances in luminous       | 75  |
| paint.                                                           | 76  |
| (R) Tenosynovitis and prepatellar bursitis: Primary              | 77  |
| tenosynovitis characterized by a passive effusion or crepitus    | 78  |
| into the tendon sheath of the flexor or extensor muscles of the  | 79  |
| hand, due to frequently repetitive motions or vibrations, or     | 80  |
| prepatellar bursitis due to continued pressure.                  | 81  |
| (S) Chrome ulceration of the skin or nasal passages: Any         | 82  |
| industrial process involving the use of or direct contact with   | 83  |
| chromic acid or bichromates of ammonium, potassium, or sodium or | 84  |
| their preparations.                                              | 85  |
| (T) Potassium cyanide poisoning: Any industrial process          | 86  |
| involving the use of or direct contact with potassium cyanide.   | 87  |
| (U) Sulphur dioxide poisoning: Any industrial process in         | 88  |
| which sulphur dioxide gas is evolved by the expansion of liquid  | 89  |
| sulphur dioxide.                                                 | 90  |
| (V) Berylliosis: Berylliosis means a disease of the lungs        | 91  |
| caused by breathing beryllium in the form of dust or fumes,      | 92  |
| producing characteristic changes in the lungs and demonstrated   | 93  |
| by x-ray examination, by biopsy or by autopsy.                   | 94  |
| This chapter does not entitle an employee or the                 | 95  |
| employee's dependents to compensation, medical treatment, or     | 96  |
| payment of funeral expenses for disability or death from         | 97  |
| berylliosis unless the employee has been subjected to injurious  | 98  |
| exposure to beryllium dust or fumes in the employee's employment | 99  |
| in this state preceding the employee's disablement and only in   | 100 |
| the event of such disability or death resulting within eight     | 101 |
| years after the last injurious exposure; provided that such      | 102 |
| eight-year limitation does not apply to disability or death from | 103 |

exposure occurring after January 1, 1976. In the event of death 104  
following continuous total disability commencing within eight 105  
years after the last injurious exposure, the requirement of 106  
death within eight years after the last injurious exposure does 107  
not apply. 108

Before awarding compensation for partial or total 109  
disability or death due to berylliosis, the administrator of 110  
workers' compensation shall refer the claim to a qualified 111  
medical specialist for examination and recommendation with 112  
regard to the diagnosis, the extent of the disability, the 113  
nature of the disability, whether permanent or temporary, the 114  
cause of death, and other medical questions connected with the 115  
claim. An employee shall submit to such examinations, including 116  
clinical and x-ray examinations, as the administrator requires. 117  
In the event that an employee refuses to submit to examinations, 118  
including clinical and x-ray examinations, after notice from the 119  
administrator, or in the event that a claimant for compensation 120  
for death due to berylliosis fails to produce necessary consents 121  
and permits, after notice from the administrator, so that such 122  
autopsy examination and tests may be performed, then all rights 123  
for compensation are forfeited. The reasonable compensation of 124  
such specialist and the expenses of examinations and tests shall 125  
be paid, if the claim is allowed, as part of the expenses of the 126  
claim, otherwise they shall be paid from the surplus fund. 127

(W) Cardiovascular, pulmonary, or respiratory diseases 128  
incurred by firefighters or police officers following exposure 129  
to heat, smoke, toxic gases, chemical fumes and other toxic 130  
substances: Any cardiovascular, pulmonary, or respiratory 131  
disease of a firefighter or police officer caused or induced by 132  
the cumulative effect of exposure to heat, the inhalation of 133  
smoke, toxic gases, chemical fumes and other toxic substances in 134

the performance of the firefighter's or police officer's duty 135  
constitutes a presumption, which may be refuted by affirmative 136  
evidence, that such occurred in the course of and arising out of 137  
the firefighter's or police officer's employment. For the 138  
purpose of this section, "firefighter" means any regular member 139  
of a lawfully constituted fire department of a municipal 140  
corporation or township, whether paid or volunteer, and "police 141  
officer" means any regular member of a lawfully constituted 142  
police department of a municipal corporation, township or 143  
county, whether paid or volunteer. 144

This chapter does not entitle a firefighter, or police 145  
officer, or the firefighter's or police officer's dependents to 146  
compensation, medical treatment, or payment of funeral expenses 147  
for disability or death from a cardiovascular, pulmonary, or 148  
respiratory disease, unless the firefighter or police officer 149  
has been subject to injurious exposure to heat, smoke, toxic 150  
gases, chemical fumes, and other toxic substances in the 151  
firefighter's or police officer's employment in this state 152  
preceding the firefighter's or police officer's disablement, 153  
some portion of which has been after January 1, 1967, except as 154  
provided in division (E) of section 4123.57 of the Revised Code. 155

Compensation on account of cardiovascular, pulmonary, or 156  
respiratory diseases of firefighters and police officers is 157  
payable only in the event of temporary total disability, 158  
permanent total disability, or death, in accordance with section 159  
4123.56, 4123.58, or 4123.59 of the Revised Code. Medical, 160  
hospital, and nursing expenses are payable in accordance with 161  
this chapter. Compensation, medical, hospital, and nursing 162  
expenses are payable only in the event of such disability or 163  
death resulting within eight years after the last injurious 164  
exposure; provided that such eight-year limitation does not 165

apply to disability or death from exposure occurring after 166  
January 1, 1976. In the event of death following continuous 167  
total disability commencing within eight years after the last 168  
injurious exposure, the requirement of death within eight years 169  
after the last injurious exposure does not apply. 170

This chapter does not entitle a firefighter or police 171  
officer, or the firefighter's or police officer's dependents, to 172  
compensation, medical, hospital, and nursing expenses, or 173  
payment of funeral expenses for disability or death due to a 174  
cardiovascular, pulmonary, or respiratory disease in the event 175  
of failure or omission on the part of the firefighter or police 176  
officer truthfully to state, when seeking employment, the place, 177  
duration, and nature of previous employment in answer to an 178  
inquiry made by the employer. 179

Before awarding compensation for disability or death under 180  
this division, the administrator shall refer the claim to a 181  
qualified medical specialist for examination and recommendation 182  
with regard to the diagnosis, the extent of disability, the 183  
cause of death, and other medical questions connected with the 184  
claim. A firefighter or police officer shall submit to such 185  
examinations, including clinical and x-ray examinations, as the 186  
administrator requires. In the event that a firefighter or 187  
police officer refuses to submit to examinations, including 188  
clinical and x-ray examinations, after notice from the 189  
administrator, or in the event that a claimant for compensation 190  
for death under this division fails to produce necessary 191  
consents and permits, after notice from the administrator, so 192  
that such autopsy examination and tests may be performed, then 193  
all rights for compensation are forfeited. The reasonable 194  
compensation of such specialists and the expenses of examination 195  
and tests shall be paid, if the claim is allowed, as part of the 196

expenses of the claim, otherwise they shall be paid from the 197  
surplus fund. 198

(X) (1) Cancer contracted by a firefighter: Cancer 199  
contracted by a firefighter who has been assigned to at least 200  
six years of hazardous duty as a firefighter constitutes a 201  
presumption that the cancer was contracted in the course of and 202  
arising out of the firefighter's employment if the firefighter 203  
was exposed to an agent classified by the international agency 204  
for research on cancer or its successor organization as a group 205  
1 or 2A carcinogen. 206

(2) The presumption described in division (X) (1) of this 207  
section is rebuttable in any of the following situations: 208

(a) There is evidence that the firefighter's exposure, 209  
outside the scope of the firefighter's official duties, to 210  
cigarettes, tobacco products, or other conditions presenting an 211  
extremely high risk for the development of the cancer alleged, 212  
was probably a significant factor in the cause or progression of 213  
the cancer. 214

(b) There is evidence that shows, by a preponderance of 215  
competent scientific evidence, that exposure to the type of 216  
carcinogen alleged did not or could not have caused the cancer 217  
being alleged. 218

(c) There is evidence that the firefighter was not exposed 219  
to an agent classified by the international agency for research 220  
on cancer as a group 1 or 2A carcinogen. 221

(d) There is evidence that the firefighter incurred the 222  
type of cancer alleged before becoming a member of the fire 223  
department. 224

(e) The firefighter is seventy years of age or older. 225



(3) The presumption described in division (X) (1) of this 226  
section does not apply if it has been more than fifteen years 227  
since the firefighter was last assigned to hazardous duty as a 228  
firefighter. 229

(4) Compensation for cancer contracted by a firefighter in 230  
the course of hazardous duty under division (X) of this section 231  
is payable only in the event of temporary total disability, 232  
working wage loss, permanent total disability, or death, in 233  
accordance with division (A) or (B) (1) of section 4123.56 and 234  
sections 4123.58 and 4123.59 of the Revised Code. 235

(5) As used in division (X) of this section, "hazardous 236  
duty" has the same meaning as in 5 C.F.R. 550.902, as amended. 237

(Y) Silicosis: Silicosis means a disease of the lungs 238  
caused by breathing silica dust (silicon dioxide) producing 239  
fibrous nodules distributed through the lungs and demonstrated 240  
by x-ray examination, by biopsy or by autopsy. 241

(Z) Coal miners' pneumoconiosis: Coal miners' 242  
pneumoconiosis, commonly referred to as "black lung disease," 243  
resulting from working in the coal mine industry and due to 244  
exposure to the breathing of coal dust, and demonstrated by x- 245  
ray examination, biopsy, autopsy or other medical or clinical 246  
tests. 247

This chapter does not entitle an employee or the 248  
employee's dependents to compensation, medical treatment, or 249  
payment of funeral expenses for disability or death from 250  
silicosis, asbestosis, or coal miners' pneumoconiosis unless the 251  
employee has been subject to injurious exposure to silica dust 252  
(silicon dioxide), asbestos, or coal dust in the employee's 253  
employment in this state preceding the employee's disablement, 254

some portion of which has been after October 12, 1945, except as 255  
provided in division (E) of section 4123.57 of the Revised Code. 256

Compensation on account of silicosis, asbestosis, or coal 257  
miners' pneumoconiosis are payable only in the event of 258  
temporary total disability, permanent total disability, or 259  
death, in accordance with sections 4123.56, 4123.58, and 4123.59 260  
of the Revised Code. Medical, hospital, and nursing expenses are 261  
payable in accordance with this chapter. Compensation, medical, 262  
hospital, and nursing expenses are payable only in the event of 263  
such disability or death resulting within eight years after the 264  
last injurious exposure; provided that such eight-year 265  
limitation does not apply to disability or death occurring after 266  
January 1, 1976, and further provided that such eight-year 267  
limitation does not apply to any asbestosis cases. In the event 268  
of death following continuous total disability commencing within 269  
eight years after the last injurious exposure, the requirement 270  
of death within eight years after the last injurious exposure 271  
does not apply. 272

This chapter does not entitle an employee or the 273  
employee's dependents to compensation, medical, hospital and 274  
nursing expenses, or payment of funeral expenses for disability 275  
or death due to silicosis, asbestosis, or coal miners' 276  
pneumoconiosis in the event of the failure or omission on the 277  
part of the employee truthfully to state, when seeking 278  
employment, the place, duration, and nature of previous 279  
employment in answer to an inquiry made by the employer. 280

Before awarding compensation for disability or death due 281  
to silicosis, asbestosis, or coal miners' pneumoconiosis, the 282  
administrator shall refer the claim to a qualified medical 283  
specialist for examination and recommendation with regard to the 284

diagnosis, the extent of disability, the cause of death, and 285  
other medical questions connected with the claim. An employee 286  
shall submit to such examinations, including clinical and x-ray 287  
examinations, as the administrator requires. In the event that 288  
an employee refuses to submit to examinations, including 289  
clinical and x-ray examinations, after notice from the 290  
administrator, or in the event that a claimant for compensation 291  
for death due to silicosis, asbestosis, or coal miners' 292  
pneumoconiosis fails to produce necessary consents and permits, 293  
after notice from the commission, so that such autopsy 294  
examination and tests may be performed, then all rights for 295  
compensation are forfeited. The reasonable compensation of such 296  
specialist and the expenses of examinations and tests shall be 297  
paid, if the claim is allowed, as a part of the expenses of the 298  
claim, otherwise they shall be paid from the surplus fund. 299

(AA) Radiation illness: Any industrial process involving 300  
the use of radioactive materials. 301

Claims for compensation and benefits due to radiation 302  
illness are payable only in the event death or disability 303  
occurred within eight years after the last injurious exposure 304  
provided that such eight-year limitation does not apply to 305  
disability or death from exposure occurring after January 1, 306  
1976. In the event of death following continuous disability 307  
which commenced within eight years of the last injurious 308  
exposure the requirement of death within eight years after the 309  
last injurious exposure does not apply. 310

(BB) Asbestosis: Asbestosis means a disease caused by 311  
inhalation or ingestion of asbestos, demonstrated by x-ray 312  
examination, biopsy, autopsy, or other objective medical or 313  
clinical tests. 314

(CC) COVID-19 contracted by a peace officer, firefighter, 315  
or emergency medical worker: COVID-19 contracted by a peace 316  
officer, firefighter, or emergency medical worker constitutes a 317  
presumption that COVID-19 was contracted in the course of and 318  
arising out of the peace officer's, firefighter's, or emergency 319  
medical worker's employment, unless the contrary is shown by 320  
competent evidence. For purposes of this division, "peace 321  
officer" and "emergency medical worker" have the same meanings 322  
as in section 4123.026 of the Revised Code. 323

All conditions, restrictions, limitations, and other 324  
provisions of this section, with reference to the payment of 325  
compensation or benefits on account of silicosis or coal miners' 326  
pneumoconiosis apply to the payment of compensation or benefits 327  
on account of any other occupational disease of the respiratory 328  
tract resulting from injurious exposures to dust. 329

The refusal to produce the necessary consents and permits 330  
for autopsy examination and testing shall not result in 331  
forfeiture of compensation provided the administrator finds that 332  
such refusal was the result of bona fide religious convictions 333  
or teachings to which the claimant for compensation adhered 334  
prior to the death of the decedent. 335

**Section 2.** That existing section 4123.68 of the Revised 336  
Code is hereby repealed. 337

**Section 3.** This act is hereby declared to be an emergency 338  
measure necessary for the immediate preservation of the public 339  
peace, health, and safety. The reason for such necessity is that 340  
immediate action is crucial to protecting the public health 341  
during an outbreak of COVID-19. Therefore, this act shall go 342  
into immediate effect. 343