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Ohio Senate Judiciary Committee  
Interested Party Testimony on House Bill 606  
Kristin Mullins, President and CEO, Ohio Grocers Association  
June 24, 2020

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee – thank you for allowing me the opportunity to provide written interested party testimony on House Bill 606. The Ohio Grocers Association offered testimony in support of the legislation as it came out of House Committee because of the protections and legal certainty it would provide for our industry; however, we have deep concerns with the workers' compensation language added on the House floor that could lead to significant costs for our member companies and can no longer support the bill.

As background, the Association, representing grocers of all sizes, food wholesalers, manufacturers and distributors, have been serving on the front lines of this crisis from the beginning, remaining open to provide essential services to thousands of customers needing to feed themselves and their families. Our members have instituted a variety of measures, in accordance with state orders and recommendations, such as maintaining social distancing, utilizing additional cleaning protocols, providing for special shopping hours for higher risk customers, and supporting employee wellness policies to keep our employees and our customers safe in our stores.

House Bill 606 includes language that would make cases of COVID-19 contracted by employees of retail food or food processing establishments – as well as certain first responders – occupational diseases under the state's Worker's Compensation Law. Employees from those industries who contracted the virus would be presumptively eligible for workers' compensation benefits. This added language creates serious concerns for our association. We are already aware that COVID-19 related claims have been filed with the Bureau of Workers' Compensation, but it is our understanding that those are being treated in the same manner as any other claims. The presumptive eligibility changes the balance of that process and negates any reasonable possibility an employer may show that an illness is not work-related. This will undoubtedly increase the likelihood that our members workers' compensation experiences will be negatively impacted in the form of higher premiums and rates.

While we value the measures House Bill 606 would provide in its original format we would respectfully urge that the workers' compensation language be removed so that we can pass legislation that would protect retailers from increased liability and give our industry the ability to help restore Ohio's economy.