

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 106**

**Senator Schaffer**

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**A BILL**

To amend section 4123.026 of the Revised Code 1  
regarding workers' compensation coverage for 2  
testing when certain medical professionals are 3  
exposed to chemical substances or bodily fluids 4  
in the course of employment. 5

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

**Section 1.** That section 4123.026 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 4123.026.** (A) The administrator of workers' 8  
compensation, a self-insuring public employer for the peace 9  
officers, firefighters, and emergency medical workers employed 10  
by or volunteering for that self-insuring public employer, or a 11  
detention facility that is a self-insuring employer for the 12  
facility's employees, including corrections officers, shall pay 13  
the costs of conducting post-exposure medical diagnostic 14  
services, consistent with the standards of medical care existing 15  
at the time of the exposure, to investigate whether an injury or 16  
occupational disease was sustained by a peace officer, 17  
firefighter, emergency medical worker, or detention facility 18  
employee, including a corrections officer, when coming into 19

contact with the blood or other body fluid of another person in 20  
the course of and arising out of the peace officer's, 21  
firefighter's, emergency medical worker's, or detention facility 22  
employee's employment, or when responding to an inherently 23  
dangerous situation in the manner described in, and in 24  
accordance with the conditions specified under, division (A)(1) 25  
(a) of section 4123.01 of the Revised Code, through any of the 26  
following means: 27

(1) Splash or spatter in the eye or mouth, including when 28  
received in the course of conducting mouth-to-mouth 29  
resuscitation; 30

(2) A puncture in the skin; 31

(3) A cut in the skin or another opening in the skin such 32  
as an open sore, wound, lesion, abrasion, or ulcer. 33

(B) The administrator, a self-insuring public employer, or 34  
a detention facility that is a self-insuring employer shall pay 35  
the costs of conducting post-exposure medical diagnostic 36  
services to investigate whether an employee described in 37  
division (A) of this section sustained an injury or occupational 38  
disease if both of the following apply: 39

(1) In the course of employment the employee is exposed to 40  
a drug or other chemical substance. 41

(2) The post-exposure medical diagnostic service is 42  
consistent with the standards of medical care existing at the 43  
time of exposure. 44

(C) As used in this section: 45

(1) "Peace officer" has the same meaning as in section 46  
2935.01 of the Revised Code. 47

(2) "Firefighter" means a firefighter, whether paid or volunteer, of a lawfully constituted fire department. 48  
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(3) "Emergency medical worker" means ~~a~~either of the following: 50  
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(a) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, certified under Chapter 4765. of the Revised Code, whether paid or volunteer; 52  
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(b) Any of the following staffing a rotorcraft or fixed wing air ambulance on behalf of a licensed air medical service organization in accordance with section 4766.17 of the Revised Code; 56  
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(i) A physician who holds a current, valid license issued under Chapter 4731. of the Revised Code; 60  
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(ii) A registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code; 62  
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(iii) Any other person holding a current, valid certificate or license to practice a health care profession in this state. 64  
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(4) "Corrections officer" means a person employed by a detention facility as a corrections officer. 67  
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(5) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States. 69  
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**Section 2.** That existing section 4123.026 of the Revised 75

Code is hereby repealed. 76

**Section 3.** The amendment by this act to section 4123.026 77  
of the Revised Code applies to claims arising on or after the 78  
effective date of this section. 79