

_____ moved to amend as follows:

- In line 1 of the title, after "4123.58" insert ", 4123.68" 1
- In line 7 of the title, delete "and" 2
- In line 8 of the title, after "Law" insert ", and to declare an emergency" 3
4
- After line 611, insert: 5
- "Section 9. That section 4123.68 of the Revised Code be amended to read as follows: 6
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 volatile petroleum products: Any industrial process involving the use of gasoline, benzine, naphtha, or other volatile petroleum products.	45 46 47 48
(I) Poisoning by carbon bisulphide: Any industrial process involving the use of carbon bisulphide or its preparations or compounds.	49 50 51
(J) Poisoning by wood alcohol: Any industrial process involving the use of wood alcohol or its preparations.	52 53
(K) Infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases, or vapors: Any industrial process involving the handling or use of oils, cutting compounds or lubricants, or involving contact with dust, liquids, fumes, gases, or vapors.	54 55 56 57 58 59
(L) Epithelion cancer or ulceration of the skin or of the corneal surface of the eye due to carbon, pitch, tar, or tarry compounds: Handling or industrial use of carbon, pitch, or tarry compounds.	60 61 62 63
(M) Compressed air illness: Any industrial process carried on in compressed air.	64 65
(N) Carbon dioxide poisoning: Any process involving the evolution or resulting in the escape of carbon dioxide.	66 67
(O) Brass or zinc poisoning: Any process involving the manufacture, founding, or refining of brass or the melting or smelting of zinc.	68 69 70
(P) Manganese dioxide poisoning: Any process involving the grinding or milling of manganese dioxide or the escape of	71 72

manganese dioxide dust.	73
(Q) Radium poisoning: Any industrial process involving the use of radium and other radioactive substances in luminous paint.	74 75 76
(R) Tenosynovitis and prepatellar bursitis: Primary tenosynovitis characterized by a passive effusion or crepitus into the tendon sheath of the flexor or extensor muscles of the hand, due to frequently repetitive motions or vibrations, or prepatellar bursitis due to continued pressure.	77 78 79 80 81
(S) Chrome ulceration of the skin or nasal passages: Any industrial process involving the use of or direct contact with chromic acid or bichromates of ammonium, potassium, or sodium or their preparations.	82 83 84 85
(T) Potassium cyanide poisoning: Any industrial process involving the use of or direct contact with potassium cyanide.	86 87
(U) Sulphur dioxide poisoning: Any industrial process in which sulphur dioxide gas is evolved by the expansion of liquid sulphur dioxide.	88 89 90
(V) Berylliosis: Berylliosis means a disease of the lungs caused by breathing beryllium in the form of dust or fumes, producing characteristic changes in the lungs and demonstrated by x-ray examination, by biopsy or by autopsy.	91 92 93 94
This chapter does not entitle an employee or the employee's dependents to compensation, medical treatment, or payment of funeral expenses for disability or death from berylliosis unless the employee has been subjected to injurious exposure to beryllium dust or fumes in the employee's employment in this state preceding the employee's disablement and only in	95 96 97 98 99 100

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 department.	223 224
(e) The firefighter is seventy years of age or older.	225
(3) The presumption described in division (X) (1) of this section does not apply if it has been more than fifteen years since the firefighter was last assigned to hazardous duty as a firefighter.	226 227 228 229
(4) Compensation for cancer contracted by a firefighter in the course of hazardous duty under division (X) of this section is payable only in the event of temporary total disability, working wage loss, permanent total disability, or death, in accordance with division (A) or (B) (1) of section 4123.56 and sections 4123.58 and 4123.59 of the Revised Code.	230 231 232 233 234 235
(5) As used in division (X) of this section, "hazardous duty" has the same meaning as in 5 C.F.R. 550.902, as amended.	236 237
(Y) Silicosis: Silicosis means a disease of the lungs caused by breathing silica dust (silicon dioxide) producing fibrous nodules distributed through the lungs and demonstrated by x-ray examination, by biopsy or by autopsy.	238 239 240 241
(Z) Coal miners' pneumoconiosis: Coal miners' pneumoconiosis, commonly referred to as "black lung disease," resulting from working in the coal mine industry and due to exposure to the breathing of coal dust, and demonstrated by x-ray examination, biopsy, autopsy or other medical or clinical tests.	242 243 244 245 246 247
This chapter does not entitle an employee or the employee's dependents to compensation, medical treatment, or payment of funeral expenses for disability or death from	248 249 250

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 inhalation or ingestion of asbestos, demonstrated by x-ray examination, biopsy, autopsy, or other objective medical or clinical tests.

(CC) (1) COVID-19: COVID-19 contracted by an employee described in division (CC) (2) of this section during the emergency declared by Executive Order 2020-01D, issued March 9, 2020, constitutes a presumption, which may be refuted by affirmative evidence, that COVID-19 was contracted in the course of and arising out of the employee's employment. This division applies only to claims arising during the period that begins with the issuance of Executive Order 2020-01D, issued on March 9, 2020, and ending December 31, 2021.

(2) Division (CC) (1) of this section applies to all of the following:

(a) An employee of a retail food establishment as defined in section 3717.01 of the Revised Code;

(b) An employee of a food processing establishment as defined in section 3715.021 of the Revised Code;

(c) A peace officer, firefighter, or emergency medical worker as those terms are defined in section 4123.026 of the Revised Code;

(d) A person employed as a corrections officer by 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.

All conditions, restrictions, limitations, and other 339
provisions of this section, with reference to the payment of 340
compensation or benefits on account of silicosis or coal miners' 341
pneumoconiosis apply to the payment of compensation or benefits 342
on account of any other occupational disease of the respiratory 343
tract resulting from injurious exposures to dust. 344

The refusal to produce the necessary consents and permits 345
for autopsy examination and testing shall not result in 346
forfeiture of compensation provided the administrator finds that 347
such refusal was the result of bona fide religious convictions 348
or teachings to which the claimant for compensation adhered 349
prior to the death of the decedent. 350

Section 10. That existing section 4123.68 of the Revised 351
Code is hereby repealed. 352

Section 11. Sections 9 and 10 of this act are hereby 353
declared to be an emergency measure necessary for the immediate 354
preservation of the public peace, health, and safety. The reason 355
for such necessity is to address urgent needs of the state 356
arising from a COVID-19 outbreak. Therefore, Sections 9 and 10 357
of this act shall go into immediate effect." 358

The motion was _____ agreed to.

SYNOPSIS 359

Presumption that COVID-19 was contracted during employment 360

R.C. 4123.68 and Section 11 361

Creates a presumption that COVID-19 is an occupational 362

disease under the Workers' Compensation Law for the following	363
employees if the employee contracts COVID-19 during the	364
emergency declared by Executive Order 2020-01D, issued March 9,	365
2020:	366
--Retail food establishment employees;	367
--Food processing establishment employees;	368
--Peace officers, firefighters, and emergency medical	369
workers;	370
--Corrections officers.	371
Allows the presumption to be rebutted by affirmative	372
evidence.	373
Applies the presumption to claims arising only during the	374
period of the emergency declared by the Order but not later than	375
December 31, 2021.	376
Declares an emergency.	377