

2020 Regular Session

SENATE BILL NO. 475

BY SENATOR WOMACK

WORKERS' COMPENSATION. Provides relative to workers' compensation claims filed by essential workers in the workplace. (gov sig)

1 AN ACT

2 To enact R.S. 23:1031.2, relative to workers' compensation; to provide coverage for
3 essential workers of the COVID-19 pandemic; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 23:1031.2 is hereby enacted to read as follows:

6 **§1031.2. COVID-19**

7 **A. Every essential worker who is disabled because of the contraction of**
8 **the disease, COVID-19, or the dependent of an essential worker whose death is**
9 **caused by COVID-19, shall be entitled to the compensation provided in this**
10 **Chapter the same as if said essential worker received personal injury by**
11 **accident arising out of and in the course of his employment.**

12 **B. All claims for disability arising from COVID-19 are barred unless the**
13 **essential worker files a claim as provided in this Chapter within one year of the**
14 **date that:**

15 **(1) The disease manifested itself.**

16 **(2) The essential worker is disabled from working as a result of the**
17 **disease.**

1 C. All claims for death arising from COVID-19 are barred unless the
2 dependent or dependents as set out herein file a claim as provided in this
3 Chapter within one year of the date of death of such essential worker or within
4 one year of the date the claimant has reasonable grounds to believe that the
5 death resulted from COVID-19.

6 D. Compensation shall not be payable hereunder to an essential worker
7 or his dependents on account of disability or death arising from COVID-19
8 suffered by an essential worker who, at the time of entering into the
9 employment from which the disease is claimed to have resulted, shall have
10 willfully and falsely represented himself as not having previously suffered from
11 such disease.

12 E. The rights and remedies herein granted to an essential worker or his
13 dependent on account of COVID-19 for which he is entitled to compensation
14 under this Chapter shall be exclusive of all other rights and remedies of such
15 essential worker, his personal representatives, dependents or relatives.

16 F. Notice of the time limitation in which claims may be filed for
17 COVID-19 or death resulting from COVID-19 shall be posted by the employer
18 at some convenient and conspicuous point about the place of business. If the
19 employer fails to post this notice, the time in which a claim may be filed shall be
20 extended for an additional six months.

21 G. "Essential worker", as used in this Section, means persons working
22 in public safety, government, disaster response, health care, or private business
23 as designated and deemed necessary or critical for response to the COVID-19
24 pandemic by their employer or by virtue of their official commission.

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

