

SENATE BILL NO. 1019

July 22, 2020, Introduced by Senator ZORN and referred to the Committee on Economic and Small Business Development.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
(MCL 418.101 to 418.941) by adding section 895.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 895. (1) Notwithstanding any other provision of this act,
2 and except as otherwise provided in subsection (2), an employee who
3 receives a personal injury arising out of and in the course of
4 employment by an employer who is subject to this act at the time of
5 the injury is not eligible to be paid compensation as otherwise

1 provided for in this act if all of the following conditions are
2 met:

3 (a) The personal injury was the result of the employee's
4 exposure to COVID-19.

5 (b) The employee was exposed to COVID-19 during the COVID-19
6 emergency.

7 (c) The employer was in compliance with a federal or state
8 statute or regulation, executive order, or public health guidance
9 that was relevant to, and applicable at the time of, the employee's
10 exposure to COVID-19. If more than 1 relevant public health
11 guidance applied to the employer at the time of the exposure, the
12 requirements of this subdivision are satisfied if the employer was
13 in compliance with any relevant and applicable public health
14 guidance.

15 (2) Subsection (1) does not apply to a personal injury that
16 was the result of an intentional tort as described in section 131.

17 (3) This section does not do any of the following:

18 (a) Create, recognize, or ratify a claim or cause of action of
19 any kind.

20 (b) Eliminate a required element of a claim of any kind.

21 (c) Amend, repeal, alter, or affect any other immunity or
22 limitation of liability.

23 (4) This section applies retroactively to a personal injury
24 that occurs after March 11, 2020.

25 (5) As used in this section:

26 (a) "COVID-19" means the novel coronavirus identified as SARS-
27 CoV-2 or a virus mutating from SARS-CoV-2.

28 (b) "COVID-19 emergency" means the state of emergency declared
29 under 1945 PA 302, MCL 10.31 to 10.33, on March 10, 2020, and any

1 subsequent orders or amendments to those orders.

2 (c) "Public health guidance" means written guidance related to
3 COVID-19 issued by the Centers for Disease Control and Prevention
4 or the Occupational Safety and Health Administration of the United
5 States Department of Labor, or by the department of health and
6 human services or another agency of this state.