

2021 -- H 5474

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION--
OCCUPATIONAL DISEASES

Introduced By: Representatives Williams, Messier, Vella-Wilkinson, Slater, Felix, and
Alzate

Date Introduced: February 10, 2021

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-34-2 of the General Laws in Chapter 28-34 entitled "Workers'
2 Compensation - Occupational Diseases" is hereby amended to read as follows:

3 **28-34-2. Occupational diseases listed -- Treatment as compensable injury.**

4 The disablement of any employee resulting from an occupational disease or condition
5 described in the following schedule shall be treated as the happening of a personal injury, as defined
6 in § 28-33-1, within the meaning of chapters 29 -- 38 of this title, and the procedure and practice
7 provided in those chapters shall apply to all proceedings under this chapter, except where
8 specifically provided otherwise in this chapter:

- 9 (1) Anthrax.
- 10 (2) Arsenic poisoning or its sequelae.
- 11 (3) Brass or zinc poisoning or its sequelae.
- 12 (4) Lead poisoning or its sequelae.
- 13 (5) Manganese poisoning.
- 14 (6) Mercury poisoning or its sequelae.
- 15 (7) Phosphorous poisoning or its sequelae.
- 16 (8) Poisoning by wood alcohol.
- 17 (9) Poisoning by carbon bisulphide, methanol, naphtha, or volatile halogenated
18 hydrocarbons, or any sulphide, or its sequelae.

- 1 (10) Poisoning by benzol, or nitro-, hydro-, hydroz-, amido derivatives of benzol
2 (dinitrobenzol, anilin, and others), or its sequelae.
- 3 (11) Poisoning by carbon monoxide.
- 4 (12) Poisoning by nitrous fumes or its sequelae.
- 5 (13) Poisoning by nickel carbonyl or its sequelae.
- 6 (14) Dope poisoning (poisoning by tetrachlormethane or any substance used as or in
7 conjunction with a solvent for acetate or cellulose or nitrocellulose or its sequelae).
- 8 (15) Poisoning by formaldehyde and its preparations.
- 9 (16) Chrome ulceration or its sequelae or chrome poisoning.
- 10 (17) Epitheliomatous cancer or ulceration of the skin, or of the corneal surface of the eye,
11 due to tar, pitch, bitumen, mineral oil, or paraffin or any compound, product, or residue of any of
12 these substances.
- 13 (18) Glanders.
- 14 (19) Compressed air illness or its sequelae.
- 15 (20) Miner's disease, including only cellulitis, bursitis, ankylostomiasis, tenosynovitis, and
16 nystagmus.
- 17 (21) Cataract in glassworkers.
- 18 (22) Radium poisoning or disability due to radioactive properties of substances or to
19 Roentgen rays (X-rays).
- 20 (23) Methyl chloride poisoning.
- 21 (24) Poisoning by sulphuric, hydrochloric, or hydrofluoric acid.
- 22 (25) Respiratory, gastrointestinal, or physiological nerve and eye disorders due to contact
23 with petroleum products and their fumes.
- 24 (26) Disability arising from blisters or abrasions.
- 25 (27) Hernia, clearly recent in origin and resulting from a strain arising out of and in the
26 course of employment and promptly reported to the employer.
- 27 (28) Infection or inflammation of the skin or eyes or other external contact surfaces or oral
28 or nasal cavities due to oils, cutting compounds, or lubricants, dusts, liquids, fumes, gases, or
29 vapors.
- 30 (29) Dermatitis (venenata).
- 31 (30) Disability arising from bursitis or synovitis.
- 32 (31) Disability arising from frostbite.
- 33 (32) Disability arising from silicosis or asbestosis.
- 34 (33) Disability arising from any cause connected with or arising from the peculiar

1 characteristics of the employment.

2 (34) Disability arising from any cause connected with or arising from ionizing radiation.

3 (35) Disability arising from pneumoconiosis caused by the inhalation of metallic minerals
4 or mineral particles.

5 (36) The disablement of an employee resulting from mental injury caused or accompanied
6 by identifiable physical trauma or from a mental injury caused by emotional stress resulting from
7 a situation of greater dimensions than the day-to-day emotional strain and tension which all
8 employees encounter daily without serious mental injury shall be treated as an injury as defined in
9 § 28-29-2(7).

10 (37) Notwithstanding any general or special law, rule or regulation to the contrary, any
11 public safety official, including, but not limited to, police, fire, EMS, medical facility workers,
12 correctional officers, dispatchers, paramedics, pharmacists, pharmaceutical technicians, grocery or
13 retail workers, essential state and municipal employees, public transportation employees, parcel
14 and freight delivery employees, and truck drivers and utility workers; whether the workers are
15 citizens, documented or undocumented immigrants, who contract, have symptoms of or otherwise
16 become infected with the Coronavirus (Covid-19), during the time period in which the state, federal
17 government or any municipality declared a state of emergency because of the Covid-19 pandemic,
18 that results in a period of hospitalization, quarantine, or requires self-quarantine measures as a result
19 of being infected or coming into contact with someone who is infected with the Covid-19 virus,
20 shall have their medical condition or incapacity to work presumed to be work-related.

21 The amount of time any public safety official or employee enumerated in this subsection
22 is incapacitated or unable to perform their duties as a result of the Covid-19 infection or exposure
23 and the required time of hospitalization, time of quarantine or time of self-quarantine shall be
24 considered as on-duty time, and said public safety official shall not be required to use their sick
25 time, vacation time, or personal time or any other contractual time-off to cover said period of
26 incapacitation or inability to perform regular duty work. The time of incapacitation or inability to
27 perform their duties shall be considered as emergency hazard health disability.

28 SECTION 2. Section 28-32-4 of the General Laws in Chapter 28-32 entitled "Workers'
29 Compensation - Report of Injuries" is hereby amended to read as follows:

30 **28-32-4. Use of reports as evidence.**

31 No report required by chapters 29 -- 38 of this title shall be admitted in evidence or referred
32 to at the trial of any action or in any judicial or administrative proceedings, except in prosecutions
33 for the violation of those chapters; provided further that no claim or report of injuries, or the identity
34 of the claimant, relative to a disability claim established pursuant to § 28-34-2(37) shall be reported

1 [by any state agency or employer to any federal law enforcement authority, including, but not limited](#)
2 [to, the Immigration and Naturalization Service.](#)

3 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION--
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1 This act would establish that any public safety official or other enumerated employee,
2 including essential state workers, who contract the Coronavirus (Covid-19) shall be entitled to a
3 presumption that the infection was caused as a result of the performance of their duties and would
4 be entitled to workers' compensation benefits without the loss of vacation, sick, personal or other
5 contractually afforded time. It would further prohibit any report of injury or claim relative to a
6 disability related to the Covid-19 virus or the identity of any claimant from being reported to the
7 Immigration and Naturalization Service.

8 This act would take effect upon passage.

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