

HOUSE BILL NO. 297

INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COVERAGE UNDER WORKERS' COMPENSATION FOR NURSES RELATED TO COVID-19; PROVIDING CONDITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Occupational disease for nurses -- applicability -- definitions. (1) An employee who contracts covid-19 is conclusively presumed to have contracted an occupational disease arising out of and in the course of employment if the employee:

- (a) is employed as a nurse in a health care setting;
- (b) is exposed to covid-19 in the course of employment as a nurse; and
- (c) receives a:
 - (i) covid-19 diagnosis by a physician, physician assistant, or advanced practice registered nurse;
 - (ii) presumptive positive covid-19 test result; or
 - (iii) laboratory-confirmed covid-19 diagnosis.

(2) For the purposes of this section, "nurse" means a registered professional nurse or licensed practical nurse licensed to practice in this state as provided in Title 37, chapter 8, or an advanced practice registered nurse as defined in 37-8-102.

NEW SECTION. Section 2. Claims exempt from uniform experience rating plan. The account of an employer under a uniform experience rating plan as provided in 33-16-1023 may not be charged with respect to claims paid under [section 1].

NEW SECTION. Section 3. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 39, chapter 71, and the provisions of Title 39, chapter 71, apply to [sections

1 1 and 2].

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3 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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5 NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the
6 meaning of 1-2-109, to March 12, 2020.

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8 NEW SECTION. Section 6. Termination. [This act] terminates March 12, 2030.

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