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By: **Delegates Mossburg and Dembrow**  
Introduced and read first time: February 4, 1998  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Workers' Compensation - Compensable Injuries - Repeal of the Term**  
3                                   **"Accidental"**

4 FOR the purpose of altering the workers' compensation law to broaden the range of  
5     compensable injuries by repealing the term "accidental" from certain provisions  
6     relating to compensability; requiring the publisher of the Annotated Code of  
7     Maryland to make certain changes to the Code; and generally relating to  
8     workers' compensation.

9 BY repealing and reenacting, with amendments,  
10    Article - Labor and Employment  
11    Section 9-101 and 9-501  
12    Annotated Code of Maryland  
13    (1991 Volume and 1997 Supplement)

14    SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15    MARYLAND, That the Laws of Maryland read as follows:

16                                   **Article - Labor and Employment**

17 9-101.

18    (a)     In this title the following words have the meanings indicated.

19    (b)     "[Accidental personal] PERSONAL injury" means:

20            (1)     an [accidental] injury that arises out of and in the course of  
21    employment;

22            (2)     an injury caused by a willful or negligent act of a third person  
23    directed against a covered employee in the course of the employment of the covered  
24    employee; or

25            (3)     a disease or infection that naturally results from an accidental injury  
26    that arises out of and in the course of employment, including:

- 1 (i) an occupational disease; and  
2 (ii) frostbite or sunstroke caused by a weather condition.

3 (c) "Child" includes:

- 4 (1) an adopted child;  
5 (2) an illegitimate child;  
6 (3) a posthumous child; and  
7 (4) a stepchild.

8 (d) "Commission" means the State Workers' Compensation Commission.

9 (e) (1) "Compensation" means the money payable under this title to a  
10 covered employee or the dependents of a covered employee.

11 (2) "Compensation" includes funeral benefits payable under this title.

12 (f) "Covered employee" means an individual listed in Subtitle 2 of this title for  
13 whom a person, a governmental unit, or a quasi-public corporation is required by law  
14 to provide coverage under this title.

15 (g) "Occupational disease" means a disease contracted by a covered employee:

- 16 (1) as the result of and in the course of employment; and  
17 (2) that causes the covered employee to become temporarily or  
18 permanently, partially or totally incapacitated.

19 9-501.

20 (a) Except as otherwise provided, each employer of a covered employee shall  
21 provide compensation in accordance with this title to:

22 (1) the covered employee for [an accidental] A personal injury sustained  
23 by the covered employee; or

24 (2) the dependents of the covered employee for death of the covered  
25 employee:

26 (i) resulting from an accidental personal injury sustained by the  
27 covered employee; and

28 (ii) occurring within 7 years after the date of the accidental  
29 personal injury.

1 (b) An employer is liable to provide compensation in accordance with  
2 subsection (a) of this section, regardless of fault as to a cause of the accidental  
3 personal injury.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the  
5 Annotated Code of Maryland, in consultation with the Department of Legislative  
6 Services, shall correct all references in the Annotated Code made obsolete by this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect October 1, 1998.