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By: Senator Mooney

Introduced and read first time: January 27, 2000

Assigned to: Finance

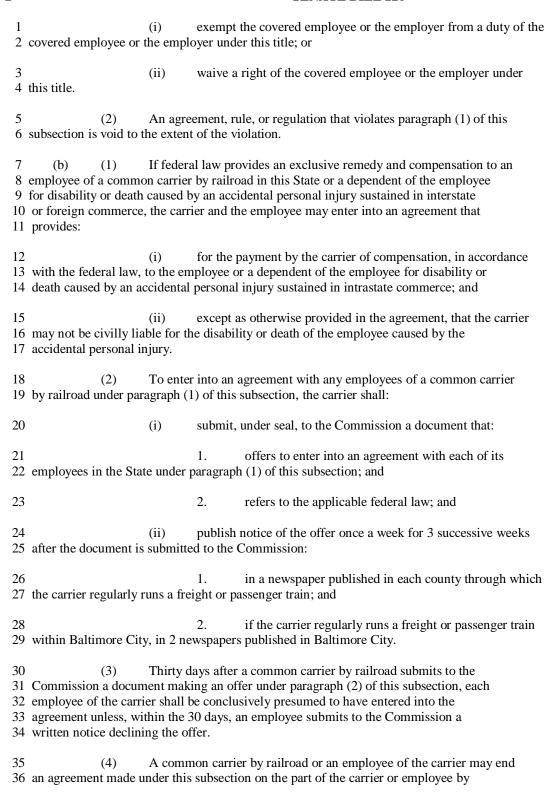
A BILL ENTITLED

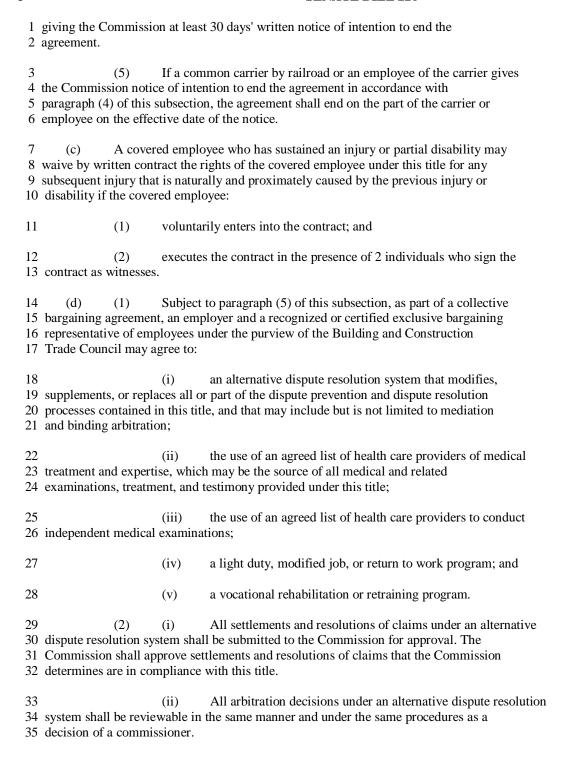
1 AN ACT concerning

2 Workers' Compensation Insurance - Religious Waiver

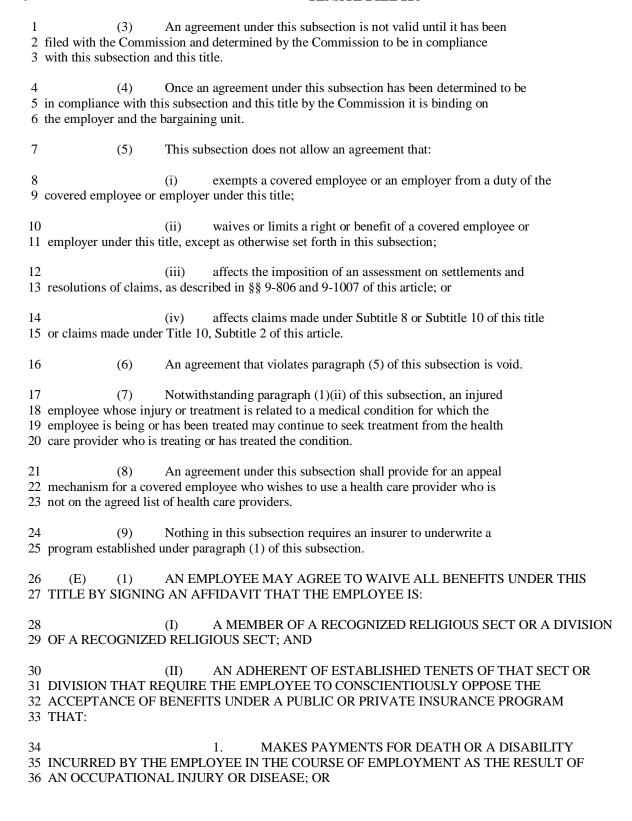
- 3 FOR the purpose of allowing an employee to waive coverage under the State's
- 4 workers' compensation laws if the employee is a member of a religious sect or
- 5 division of a sect and the beliefs of that sect or division require the employee to
- 6 oppose acceptance of public or private insurance benefits paid for death or a
- 7 disability incurred in the course of employment as the result of an occupational
- 8 injury or disease or medical services or treatments provided for an occupational
- 9 injury or disease incurred in the course of employment; requiring the waiver to
- 10 be submitted to the Workers' Compensation Commission on a form approved by
- the Commission; providing that certain standards must be met for the
- 12 Commission to approve a waiver; providing for a certain presumption of validity;
- requiring a parent or guardian of an employee under a certain age waiving
- coverage under this Act to submit a waiver form on the employee's behalf;
- providing for the termination of a waiver under certain circumstances; and
- generally relating to an employee's waiver of coverage under the State workers'
- compensation laws for certain religious reasons and the approval process for
- 18 that waiver.
- 19 BY repealing and reenacting, with amendments,
- 20 Article Labor and Employment
- 21 Section 9-104
- 22 Annotated Code of Maryland
- 23 (1999 Replacement Volume)
- 24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 25 MARYLAND, That the Laws of Maryland read as follows:
- 26 Article Labor and Employment
- 27 9-104.
- 28 (a) (1) Except as otherwise provided in this title AND IN SUBSECTION (E) OF
- 29 THIS SECTION, a covered employee or an employer of a covered employee may not by
- 30 agreement, rule, or regulation:

SENATE BILL 226





SENATE BILL 226



30

31 October 1, 2000.

SENATE BILL 226

1 PROVIDES MEDICAL SERVICES OR TREATMENTS FOR AN 2 OCCUPATIONAL INJURY OR DISEASE INCURRED BY THE EMPLOYEE IN THE COURSE 3 OF EMPLOYMENT. A WAIVER SIGNED UNDER THIS SUBSECTION SHALL BE (2) (I) 5 SUBMITTED TO THE COMMISSION FOR APPROVAL ON A FORM CREATED BY THE 6 COMMISSION. THE COMMISSION SHALL APPROVE A WAIVER IF THE (II)**8 COMMISSION FINDS THAT:** 9 THE EMPLOYEE IS A MEMBER OF THE SECT OR DIVISION 1. 10 OF A SECT TO WHICH THE WAIVER REFERS: THE MEMBERS OF THE SECT HAVE PRACTICED THEIR 12 BELIEFS IN THE STATE FOR A SUBSTANTIAL NUMBER OF YEARS; AND IT IS THE PRACTICE OF MEMBERS OF THE SECT OR 13 14 DIVISION OF A SECT TO PROVIDE FOR THEIR DEPENDENT MEMBERS IN A MANNER 15 WHICH THE COMMISSION DETERMINES TO BE REASONABLE, GIVEN THE GENERAL 16 STANDARD OF LIVING OF THE MEMBERS OF THE SECT OR DIVISION. IF THE EMPLOYEE IS UNDER THE AGE OF 18 YEARS, A PARENT 17 (III)18 OR GUARDIAN OF THE EMPLOYEE SHALL COMPLETE AND SUBMIT THE WAIVER FORM 19 REOUIRED UNDER THIS SUBSECTION. UNLESS THE COMMISSION HAS REASON TO BELIEVE THAT THE 21 EMPLOYEE SUBMITTING THE WAIVER HAS BEEN COERCED INTO SUBMITTING THE 22 WAIVER, THE COMMISSION SHALL PRESUME THAT A WAIVER SUBMITTED UNDER 23 THIS SUBSECTION IS VALID. A WAIVER SUBMITTED UNDER THIS SUBSECTION SHALL CONTINUE 24 25 TO BE VALID UNTIL: (I) THE EMPLOYEE RESCINDS THE WAIVER ON A FORM REQUIRED 27 BY THE COMMISSION; OR THE PROVISIONS OF PARAGRAPH (2)(II) OF THIS SUBSECTION (II)29 NO LONGER APPLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect