

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE

House Bill 416  
Economic Matters

(Delegate Costa, *et al.*)

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**Workers' Compensation - Occupational Disease - Definition**

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This bill includes contraction of either the Human Immunodeficiency Virus (HIV) that causes Acquired Immunodeficiency Syndrome (AIDS) or Hepatitis C, that may have arisen from one or more exposures of indeterminate dates, as an occupational disease for certain persons. The bill will take effect July 1, 2003.

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**Fiscal Summary**

**State Effect:** The Injured Workers' Insurance Fund (IWIF) is the State's workers' compensation insurer. Potential significant increase in IWIF charges due to premium growth.

**Injured Workers' Insurance Fund:** Potential significant increase in workers' compensation claims due to coverage for HIV and Hepatitis C.

**Local Effect:** Potential significant increase in expenditures for local governments depending on the amount of new claims that result.

**Small Business Effect:** Potential significant increase in workers' compensation claims due to coverage for HIV and Hepatitis C.

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**Analysis**

**Bill Summary:** This bill's provisions apply only to: (1) a paid firefighter, paid firefighting instructor, or sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipal corporation, or the

State; (2) a volunteer firefighter, volunteer firefighting instructor, volunteer rescue squad, or volunteer advanced life support unit member if the person is a covered employee of a volunteer fire or rescue company; (3) a paid police officer employed by an airport authority, a county, the Maryland-National Capital Park and Planning Commission, a municipal corporation, or the State; (3) a deputy sheriff of Montgomery or Prince George's counties; or (4) a paid correctional officer employed by a county, municipal corporation, or the State.

**Current Law:** Occupational disease is defined as a disease contracted by a covered employee: (1) as the result of and in the course of employment; and (2) that causes the covered employee to become temporarily or permanently, partially, or totally incapacitated.

**Background:** As of 2001, the Department of Health and Mental Hygiene indicates that there is one existing HIV/AIDS case in Maryland arising out of occupational exposure.

In July 2000, the Secretary of Health and Mental Hygiene appointed a Contagious Disease Committee to address issues regarding occupational exposure to contagious (or infectious) diseases among State public safety employees including police, correctional officers, firefighters, and emergency medical technicians. In January 2001, the committee issued its final report. In this report, the committee found that regulatory standards currently exist (Bloodborne Pathogen Standard, 29 C.F.R. 1910.1030; the Labor and Employment Article, Title 5; and COMAR 09.12.31) that prescribe safeguards to protect public safety workers from exposure to blood and other potentially contagious body fluids, and to reduce their risk to this exposure.

The National Council on Compensation Insurance indicates that unit statistical data and detailed claim information (DCI) data exists for employee classes covered in this bill. The unit statistical data is not broken down by the nature of the injury. While DCI data does have this breakdown, it represents only a sampling of claims and there is insufficient data in the law enforcement and firefighter class codes to analyze.

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### **Additional Information**

**Prior Introductions:** In 2002, HB 890, a similar bill that sought to include all infectious diseases in the definition of occupational disease, was withdrawn. That bill's cross file, SB 584, was first read in the Finance Committee. In 2001, HB 1006, a similar bill, received an unfavorable report in the Economic Matters Committee. That bill's cross file, SB 677, received an unfavorable report in the Finance Committee. SB 419, an identical bill to HB 1006 of 2001, was introduced in the 2000 session. It was amended

and passed in the Senate but was not reported from the House Economic Matters Committee.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, National Council on Compensation Insurance, Uninsured Employers' Fund, Workers' Compensation Commission, Injured Workers' Insurance Fund, Subsequent Injury Fund, Department of Legislative Services

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Analysis by: Daniel P. Tompkins

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510