

(PRE-FILED)

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By: **Delegates Stocksdale and Kach**

Requested: September 14, 2005

Introduced and read first time: January 11, 2006

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Covered Employment - Exemption**

3 FOR the purpose of providing that undocumented immigrants are not covered  
4 employees for the purposes of receiving workers' compensation benefits;  
5 defining a certain term; and generally relating to eligibility to receive benefits  
6 under workers' compensation law.

7 BY repealing and reenacting, with amendments,  
8 Article - Labor and Employment  
9 Section 9-101 and 9-202  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2005 Supplement)

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

14 **Article - Labor and Employment**

15 9-101.

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

17 (b) "Accidental personal injury" means:

18 (1) an accidental injury that arises out of and in the course of  
19 employment;

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

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

25 (i) an occupational disease; and

1 (ii) frostbite or sunstroke caused by a weather condition.

2 (c) "Child" includes:

3 (1) an adopted child;

4 (2) an illegitimate child;

5 (3) a posthumous child; and

6 (4) a stepchild.

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

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

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

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

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

15 (1) as the result of and in the course of employment; and

16 (2) that causes the covered employee to become temporarily or  
17 permanently, partially or totally incapacitated.

18 (H) "UNDOCUMENTED IMMIGRANT" MEANS AN INDIVIDUAL WHO DOES NOT  
19 MEET THE REQUIREMENTS FOR LAWFUL EMPLOYMENT IN THE UNITED STATES  
20 UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.

21 9-202.

22 (a) Except as otherwise provided, an individual, including a minor, is a  
23 covered employee while in the service of an employer under an express or implied  
24 contract of apprenticeship or hire.

25 (B) AN UNDOCUMENTED IMMIGRANT IS NOT A COVERED EMPLOYEE.

26 [(b)] (C) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A  
27 minor may be a covered employee under this section even if the minor is employed  
28 unlawfully.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2006.