

SENATE BILL 130

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4lr0106

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Requested: November 15, 2013

Introduced and read first time: January 8, 2014

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: January 13, 2014

CHAPTER _____

1 AN ACT concerning

2 **Commissioner of Labor and Industry and Workers' Compensation**
3 **Commission – Reports of Accidental Injury or Disability – Electronic Sharing**

4 FOR the purpose of repealing a certain requirement that an employer send copies of
5 certain reports of an accident or injury to the Commissioner of Labor and
6 Industry; repealing a certain requirement that the Workers' Compensation
7 Commission report to the Commissioner of Labor and Industry a certain
8 determination regarding industrial injuries associated with an employer or
9 industry; requiring the Workers' Compensation Commission to provide the
10 Commissioner of Labor and Industry with electronic access to certain employer
11 reports of accidental injury or disability due to occupational disease; and
12 generally relating to occupational safety and health, the Commissioner of Labor
13 and Industry, and the Workers' Compensation Commission.

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 5–702, 9–312, and 9–707
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Labor and Employment**

2 5–702.

3 (a) The Commissioner may require, by regulation, that an employer keep:

4 (1) an accurate record of:

5 (i) each work–related death;

6 (ii) each work–related illness; and

7 (iii) each work–related injury other than a minor injury that
8 requires only first aid treatment and does not involve loss of consciousness, medical
9 treatment, restriction of motion or work, or transfer to another job; and10 (2) each other record about an activity of the employer under this title
11 that the Commissioner considers appropriate or necessary to develop information
12 about the causes and prevention of occupational accidents, illnesses, and injuries.13 (b) Each employer shall make available to the Commissioner each record
14 that the employer is required to keep under subsection (a)(2) of this section.15 (c) **[(1)]** An employer shall report orally to the Commissioner an
16 employment accident within 8 hours after it occurs if the accident results in:17 **[(i)] (1)** the death of an employee; or18 **[(ii)] (2)** hospitalization of at least three employees.19 **[(2)]** Each employer shall send to the Commissioner a copy of each
20 report of an accident or injury that the employer:21 (i) is required, under Title 9 of this article, to send to the
22 Workers' Compensation Commission; or

23 (ii) submits to the Injured Workers' Insurance Fund.]

24 9–312.

25 (a) **[(1)]** As soon as practicable after the end of the fiscal year, the
26 Chairman of the Commission shall submit an annual report to the Governor.27 **[(2)] (B)** The annual report shall include:

- 1 [(i)] (1) any suggestions to improve the administration of this
2 title;
- 3 [(ii)] (2) a detailed statement of receipts and disbursements of
4 the Commission; and
- 5 [(iii)] (3) statistical analyses of:
- 6 [1.] (I) the costs of workers' compensation;
- 7 [2.] (II) experiences; and
- 8 [3.] (III) industrial injuries.

9 [(b) Whenever the Commission determines there is probable cause to believe
10 that, during the immediately preceding 1-year period, there has been an excessive
11 number or a high rate of industrial injuries associated with an employer or industry,
12 the Commission shall report the determination to the Commissioner of Labor and
13 Industry.]

14 9-707.

15 (a) If an accidental personal injury causes disability for more than 3 days or
16 death, the employer shall report the accidental personal injury and the disability or
17 death to the Commission within 10 days after receiving oral or written notice of the
18 disability or death.

19 (b) On learning or receiving notice that a covered employee has been
20 disabled due to an occupational disease, the employer promptly shall report the
21 disability to the Commission.

22 (c) Each report under subsection (a) or (b) of this section shall state:

23 (1) whether the accidental personal injury or occupational disease
24 arose out of and in the course of employment;

25 (2) the time, cause, and nature of the disability and the accidental
26 personal injury or occupational disease;

27 (3) the probable duration of the disability; and

28 (4) any other information that the Commission may require by
29 regulation.

1 **(D) THE COMMISSION SHALL PROVIDE THE COMMISSIONER OF LABOR**
2 **AND INDUSTRY WITH ELECTRONIC ACCESS TO THE DATA CONTAINED IN THE**
3 **REPORTS FILED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.