

Chapter 411

(Senate Bill 839)

AN ACT concerning

Labor and Employment – Workers’ Compensation – Hernia

FOR the purpose of ~~specifying the time period within which a covered employee must report to the employer a certain hernia diagnosis establishing that a hernia caused as a result of repetitive trauma may be considered an occupational disease and be compensable subject to certain provisions of the workers’ compensation law~~; and generally relating to workers’ compensation and hernia claims.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9-504

Annotated Code of Maryland

(2016 Replacement Volume and 2022 Supplement)

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

Article – Labor and Employment

9-504.

(a) Except as otherwise provided, an employer shall provide compensation in accordance with this title to a covered employee for a hernia caused by an accidental personal injury or by a strain arising out of and in the course of employment if:

(1) the covered employee provides definite proof that satisfies the Commission that:

(i) the hernia did not exist before the accidental personal injury or strain occurred; or

(ii) as a result of the accidental personal injury or strain, a preexisting hernia has become so aggravated, incarcerated, or strangulated that an immediate operation is needed; and

(2) notwithstanding any other provision of this title about notice~~+~~;

~~(i)~~ the accidental personal injury or strain was reported to the employer within 45 days after its occurrence; ~~OR~~

~~(H) IN THE CASE OF AN ATHLETIC PUBALGIA HERNIA, THE DIAGNOSIS WAS REPORTED TO THE EMPLOYER WITHIN 45 DAYS AFTER THE DIAGNOSIS.~~

(b) If a covered employee fails to file a claim for compensation for a hernia caused by an accidental personal injury within the time period required under § 9-709(a) of this title, the covered employee may file the claim within 2 years after the date the accidental personal injury occurred unless the employer or its insurer has been prejudiced by the failure.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A HERNIA CAUSED AS A RESULT OF REPETITIVE TRAUMA MAY BE:

(1) CONSIDERED AN OCCUPATIONAL DISEASE; AND

(2) COMPENSABLE SUBJECT TO § 9-502 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 3, 2023.