

HOUSE BILL 1145

K1
HB 919/23 – ECM

4r2312
CF SB 844

By: **Delegates Rogers, Boaf, Henson, and Pruski**
Introduced and read first time: February 7, 2024
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – Hypertension**

3 FOR the purpose of establishing that certain firefighters, fire fighting instructors, rescue
4 squad members, advanced life support unit members, and members of the Office of
5 the State Fire Marshal demonstrate disablement for purposes of workers'
6 compensation and are deemed to have hypertension for purposes of an occupational
7 disease presumption for hypertension if certain requirements are met; and generally
8 relating to occupational disease presumptions under workers' compensation law.

9 BY repealing and reenacting, without amendments,
10 Article – Labor and Employment
11 Section 9–502
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 9–503(a)
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2023 Supplement)

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

21 **Article – Labor and Employment**

22 9–502.

23 (a) In this section, “disablement” means the event of a covered employee becoming
24 partially or totally incapacitated:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (1) because of an occupational disease; and

2 (2) from performing the work of the covered employee in the last occupation
3 in which the covered employee was injuriously exposed to the hazards of the occupational
4 disease.

5 (b) Subsection (c) of this section applies only to:

6 (1) the employer in whose employment the covered employee was last
7 injuriously exposed to the hazards of the occupational disease; and

8 (2) the insurer liable for the risk when the covered employee, while
9 employed by the employer, was last injuriously exposed to the hazards of the occupational
10 disease.

11 (c) Subject to subsection (d) of this section and except as otherwise provided, an
12 employer and insurer to whom this subsection applies shall provide compensation in
13 accordance with this title to:

14 (1) a covered employee of the employer for disability of the covered
15 employee resulting from an occupational disease; or

16 (2) the dependents of the covered employee for death of the covered
17 employee resulting from an occupational disease.

18 (d) An employer and insurer are liable to provide compensation under subsection
19 (c) of this section only if:

20 (1) the occupational disease that caused the death or disability:

21 (i) is due to the nature of an employment in which hazards of the
22 occupational disease exist and the covered employee was employed before the date of
23 disablement; or

24 (ii) has manifestations that are consistent with those known to
25 result from exposure to a biological, chemical, or physical agent that is attributable to the
26 type of employment in which the covered employee was employed before the date of
27 disablement; and

28 (2) on the weight of the evidence, it reasonably may be concluded that the
29 occupational disease was incurred as a result of the employment of the covered employee.

30 (e) A covered employee or a dependent of the covered employee is not entitled to
31 compensation for a disability or death that results from an occupational disease if, when
32 the covered employee began employment with the employer, the covered employee falsely
33 represented in writing that the covered employee had not been disabled, laid off, or

1 compensated in damages or otherwise, due to the occupational disease for which the
2 covered employee or dependent is seeking compensation.

3 9-503.

4 (a) (1) A paid firefighter, paid fire fighting instructor, paid rescue squad
5 member, paid advanced life support unit member, or sworn member of the Office of the
6 State Fire Marshal employed by an airport authority, a county, a fire control district, a
7 municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor,
8 volunteer rescue squad member, or volunteer advanced life support unit member who is a
9 covered employee under § 9-234 of this title is presumed to have an occupational disease
10 that was suffered in the line of duty and is compensable under this title if:

11 [(1)] (I) 1. the individual has heart disease[, hypertension,] or lung
12 disease;

13 [(2)] 2. the heart disease[, hypertension,] or lung disease results
14 in partial or total disability or death; and

15 [(3)] 3. in the case of a volunteer firefighter, volunteer fire
16 fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit
17 member, the individual has met a suitable standard of physical examination before
18 becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life
19 support unit member; OR

20 (II) 1. THE INDIVIDUAL HAS HYPERTENSION; AND

21 2. IN THE CASE OF A VOLUNTEER FIREFIGHTER,
22 VOLUNTEER FIRE FIGHTING INSTRUCTOR, VOLUNTEER RESCUE SQUAD MEMBER, OR
23 VOLUNTEER ADVANCED LIFE SUPPORT UNIT MEMBER, THE INDIVIDUAL HAS MET A
24 SUITABLE STANDARD OF PHYSICAL EXAMINATION BEFORE BECOMING A
25 FIREFIGHTER, FIRE FIGHTING INSTRUCTOR, RESCUE SQUAD MEMBER, OR
26 ADVANCED LIFE SUPPORT UNIT MEMBER.

27 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN
28 INDIVIDUAL DEMONSTRATES DISABLEMENT UNDER § 9-502 OF THIS SUBTITLE AND
29 IS DEEMED TO HAVE HYPERTENSION UNDER PARAGRAPH (1)(II)1 OF THIS
30 SUBSECTION IF THE INDIVIDUAL:

31 (I) RECEIVES THREE BLOOD PRESSURE READINGS THAT
32 INDICATE HYPERTENSION, AS DEFINED IN THE FOURTH EDITION OF THE AMERICAN
33 MEDICAL ASSOCIATION GUIDES; AND

34 (II) HAS BEEN PRESCRIBED MEDICATION TO TREAT
35 HYPERTENSION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.