



## Testimony of Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund in Opposition to House Bill 366

House Bill 366 proposes to create a significant departure from the long-established exclusivity principle in the Maryland Workers' Compensation Act by allowing nondependent adult children of a deceased covered employee to pursue a wrongful death action against an employer. Currently, workers' compensation provides death benefits to dependent children (including adult children that are dependent), adults (for example, parents and spouses), medical care (to the extent it is needed), and funeral benefits. If there are no dependents, no indemnity death benefits are payable.

Under current law, Labor & Employment § 9-509 provides that an employer's liability for a workplace injury or death is exclusive and replaces all tort claims by employees or their dependents, a framework repeatedly affirmed by Maryland courts as the central component—or “lynchpin”—of the workers' compensation system's Grand Bargain. The recent Supreme Court of Maryland decision, *Ledford v. Jenway Contracting* (338 A.3d 563 (2025)), makes clear that nondependent adult children are barred from filing wrongful death suits because the Act's plain language and legislative purpose strictly limit employer liability to the compensation system, regardless of whether a potential wrongful death beneficiary is entitled to indemnity benefits. (Funeral benefits are payable regardless of dependency.)

By carving out a statutory exception, House Bill 366 would override the Act's exclusivity framework as interpreted by Maryland courts. The bill would expose employers to tort damages, including noneconomic damages for emotional loss and companionship, and to jury-driven verdicts that fundamentally differ from the structured and predictable benefits provided under the Workers' Compensation Act. This departure from our century-old Grand Bargain would destabilize a well-designed system for employers and injured workers. Expanding liability outside the Act would extend employer exposure beyond the calculated and predetermined amounts the system was specifically designed to ensure.

For these reasons, House Bill 366 presents material concerns by disrupting a century old compensation structure, undermining the predictability on which the workers' compensation system depends, and opening a new realm of litigation risk not supported under current Maryland law.

For these reasons, Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund respectfully urge an unfavorable report on House Bill 366.

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