



## House Bill 366

**Position: Unfavorable**

Committee: Economic Matters

Date: March 11, 2026

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Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families.

House Bill 366 (HB 366) would prohibit the Maryland Workers' Compensation Act from being interpreted to prevent a nondependent child of a covered employee from bringing a civil wrongful death action against an employer when the employee dies as a result of a workplace injury.

HB 366 would undermine one of the core principles of Maryland's workers' compensation system: the exclusivity of remedy. The Workers' Compensation Act represents a longstanding "grand bargain" between employers and employees. In exchange for providing prompt, no-fault benefits to injured workers and their families, employers receive certainty and protection from civil liability for workplace injuries. This structure ensures injured workers receive compensation without the need to prove fault while allowing employers to operate within a predictable statutory framework.

HB 366 would erode that balance by creating a new exception to the Act's exclusivity provision. Maryland courts have consistently recognized that when an injury or death arises out of and in the course of employment, workers' compensation is intended to be the sole avenue of recovery unless the employer intentionally caused the harm. This limited exception preserves the integrity of the system while preventing abuse.

By contrast, HB 366 would allow civil wrongful death lawsuits whenever a deceased employee has a nondependent adult child. This would effectively invalidate the exclusivity protection in a broad category of workplace fatalities. Employers could face significant tort liability, even in circumstances where they were not negligent and where the workers' compensation system has already established the appropriate remedy.

Carving out even a limited exception to exclusivity creates a concerning precedent. Once the principle is weakened for one class of claimants, it opens the door to additional exceptions in the

future. Over time, this would fundamentally shift workplace injury claims back into the civil liability system that the Workers' Compensation Act was specifically designed to replace.

Such a change would introduce uncertainty and increased litigation costs for Maryland employers while undermining the stability and predictability that the workers' compensation framework provides. Preserving the exclusivity of remedy is essential to maintaining the careful balance between protecting injured workers and ensuring employers can operate within a clear and consistent system.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **unfavorable report on HB 366**.