

SENATE BILL 839

K1

3lr1783
CF HB 902

By: **Senator Kramer**

Introduced and read first time: February 6, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment – Workers’ Compensation – Hernia**

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

8 BY repealing and reenacting, with amendments,

9 Article – Labor and Employment

10 Section 9–504

11 Annotated Code of Maryland

12 (2016 Replacement Volume and 2022 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Labor and Employment**

16 9–504.

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

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

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

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

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

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

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

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

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

21 **(1) CONSIDERED AN OCCUPATIONAL DISEASE; AND**

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.