

Chapter 412

(House Bill 902)

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~~;~~¹

~~(H)~~ the accidental personal injury or strain was reported to the employer within 45 days after its occurrence~~;~~²~~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.