

# SENATE BILL 844

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4r2037  
CF 4r2312

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By: **Senator Klausmeier**

Introduced and read first time: February 2, 2024

Assigned to: Finance

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## 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:

### 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:

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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.