

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 5-113
Annotated Code of Maryland
(1984 Replacement Volume and 1987 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

5-113.

(a) In this section "occupational disease" means a disease caused by exposure to any toxic substance in a place of employment and contracted during the course of employment.

(b) An action for damages [for a death] arising out of an occupational disease shall be filed within 3 years of the discovery of facts from which it was known or reasonably should have been known that an occupational disease was the proximate cause of death, but in any event not later than 10 years from the date of death.

(C) AS USED IN SUBSECTION (B) OF THIS SECTION, "PROXIMATE CAUSE" MEANS THAT THE OCCUPATIONAL DISEASE WAS A SUBSTANTIAL CONTRIBUTING CAUSE OF THE DEATH OF THE PLAINTIFF'S DECEDENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed both retroactively and prospectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

Approved May 27, 1988.
