

A COVERED EMPLOYEE OR A DEPENDENT OF THE COVERED EMPLOYEE IS NOT ENTITLED TO COMPENSATION FOR A DISABILITY OR DEATH THAT RESULTS FROM AN OCCUPATIONAL DISEASE IF, WHEN THE COVERED EMPLOYEE BEGAN EMPLOYMENT WITH THE EMPLOYER, THE COVERED EMPLOYEE FALSELY REPRESENTED IN WRITING THAT THE COVERED EMPLOYEE HAD NOT BEEN DISABLED, LAID OFF, OR COMPENSATED IN DAMAGES OR OTHERWISE, DUE TO THE OCCUPATIONAL DISEASE FOR WHICH THE COVERED EMPLOYEE OR DEPENDENT IS SEEKING COMPENSATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 22(a) and (b), § 23(c) and the first clause of (b), and the first clause of the first sentence of § 67(15).

In the introductory language of subsection (a) of this section, the former word "actually" is deleted as surplusage. This deletion is not intended to change the standard for having an "incapacity".

The second clause of the first sentence of former Art. 101, § 67(15) is deleted as surplusage.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that in subsections (a)(2) and (b) of this section, the reference to the covered employee being "exposed to the hazards of the occupational disease" appears to be a reference to exposure to the conditions that cause the occupational disease, rather than a reference to exposure to the damages of an occupational disease that has been contracted. The General Assembly may wish to consider substituting the phrase "exposed to the conditions that cause the occupational disease" for the phrase "exposed to the hazards of the occupational disease".

The Committee also notes, for consideration by the General Assembly, that in cases of death from an occupational disease, unlike death from an accidental injury, there is no limit on how long after the contracting of the occupational disease death must occur.

Defined terms: "Compensation" § 9-101

"Covered employee" § 9-101

"Occupational disease" § 9-101

9-503. SAME — PRESUMPTION — FIRE FIGHTERS, FIRE FIGHTING INSTRUCTORS, RESCUE SQUAD MEMBERS, AND POLICE OFFICERS.

(A) HEART DISEASE, HYPERTENSION, AND LUNG DISEASE — FIRE FIGHTERS, FIRE FIGHTING INSTRUCTORS, AND RESCUE SQUAD MEMBERS.

A PAID FIRE FIGHTER OR PAID FIRE FIGHTING INSTRUCTOR EMPLOYED BY AN AIRPORT AUTHORITY, A COUNTY, A FIRE CONTROL DISTRICT, A MUNICIPALITY, OR THE STATE OR A VOLUNTEER FIRE FIGHTER, VOLUNTEER FIRE FIGHTING INSTRUCTOR, OR VOLUNTEER