

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL IS NOT ENTITLED TO COMPENSATION DUE TO THE DEATH OF A COVERED EMPLOYEE FROM AN OCCUPATIONAL DISEASE IF THE INDIVIDUAL BECAME DEPENDENT ON THE COVERED EMPLOYEE AFTER THE BEGINNING OF THE 1ST COMPENSABLE DISABILITY OF THE COVERED EMPLOYEE RESULTING FROM THE OCCUPATIONAL DISEASE.

(2) THE PROHIBITION AGAINST COMPENSATION IN PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A CHILD OF THE DECEASED COVERED EMPLOYEE BORN:

(I) AFTER THE BEGINNING OF THE 1ST COMPENSABLE DISABILITY OF THE COVERED EMPLOYEE RESULTING FROM THE OCCUPATIONAL DISEASE; AND

(II) OF A MARRIAGE THAT EXISTED AT THE BEGINNING OF THE DISABILITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 23(a), § 36(7)(j), the third sentence of (i), and § 22(a), as that subsection related to providing that a dependent of a covered employee who dies from an occupational disease shall be compensated in the same manner as a dependent of a covered employee who dies from an accidental injury.

In subsection (a) of this section, the term "surviving spouse" is substituted for the former terms "widow or widower" and "husband or wife of an injured employee", for brevity and to clarify that benefits would be payable to a spouse only on the death of a covered employee.

Also in subsection (a) of this section, the language "the time of the occurrence of the accidental injury or the date of disablement from the occupational disease" is substituted for the former language "shall have been injured" and "the time of the injury" to conform to § 9-679 of this Part XII of this subtitle.

In subsection (b)(1) of this section, the word "dependent" is substituted for the former language "relationship to the deceased, which, under the provisions of this article would give right to compensation", for brevity and to clarify that an individual must have a relationship of dependency on the deceased covered employee to be entitled to compensation.

Defined terms: "Accidental injury" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101

"Occupational disease" § 9-101

9-681. WHOLLY DEPENDENT INDIVIDUALS.

(A) IN GENERAL.