

CHAPTER 709

(House Bill 1135)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Workers’ Compensation – Lyme Disease Presumption

MC/PG 103–09

FOR the purpose of ~~applying the occupational disease presumption under the workers’ compensation law to employees in the service and labor bargaining unit or trades bargaining unit~~ providing that certain employees of the Maryland–National Capital Park and Planning Commission who contract Lyme disease ~~under certain circumstances~~ are presumed, under certain circumstances, to have an occupational disease that was suffered in the line of duty and is compensable in a certain manner; providing that a certain presumption only applies for a certain period of time under certain circumstances; providing that employees ~~in the service and labor bargaining unit or trades bargaining unit~~ who are eligible for benefits under this Act shall receive the benefits in addition to certain retirement benefits, subject to a certain adjustment; providing for the termination of this Act; and generally relating to the occupational disease presumption for Lyme disease under the workers’ compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503(d) and (e)
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Labor and Employment

9–503.

(d) (1) **(I)** A paid law enforcement employee of the Department of Natural Resources who is a covered employee under § 9–207 of this title and a park police officer ~~OR EMPLOYEE IN THE SERVICE AND LABOR BARGAINING UNIT OR TRADES BARGAINING UNIT~~ of the Maryland–National Capital Park and Planning Commission is presumed to have an occupational disease that was suffered in the line of duty and is compensable under this title if the employee:

(i) **1.** is suffering from Lyme disease; and

(ii) **2.** was not suffering from Lyme disease before assignment to a position that regularly places the employee in an outdoor wooded environment.

(2) **(II)** The presumption under this subsection for a park police officer ~~OR EMPLOYEE IN THE SERVICE AND LABOR BARGAINING UNIT OR TRADES BARGAINING UNIT~~ of the Maryland–National Capital Park and Planning Commission shall only apply:

(i) **1.** during the time that the park police officer ~~OR EMPLOYEE~~ is assigned to a position that regularly places the park police officer ~~OR EMPLOYEE~~ in an outdoor wooded environment; and

(ii) **2.** for 3 years after the last date that the park police officer ~~OR EMPLOYEE~~ was assigned by the Maryland–National Capital Park and Planning Commission to a position that regularly placed the officer ~~OR EMPLOYEE~~ in an outdoor wooded environment.

(2) (I) AN EMPLOYEE OF THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION OTHER THAN A PARK POLICE OFFICER IS PRESUMED TO HAVE AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF THE EMPLOYEE:

1. IS SUFFERING FROM LYME DISEASE; AND

2. WAS NOT SUFFERING FROM LYME DISEASE BEFORE ASSIGNMENT TO A POSITION THAT REGULARLY PLACES THE EMPLOYEE IN AN OUTDOOR WOODED ENVIRONMENT.

(II) THE PRESUMPTION UNDER THIS PARAGRAPH SHALL APPLY ONLY IF:

1. FOR THE 12–MONTH PERIOD BEFORE THE FILING OF THE CLAIM FOR WORKERS' COMPENSATION UNDER THIS SECTION, THE EMPLOYEE:

A. HAS NOT BEEN EMPLOYED BY THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION AS A SEASONAL OR INTERMITTENT EMPLOYEE; AND

B. HAS BEEN EMPLOYED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION ON A FULL-TIME BASIS;

2. THE EMPLOYEE'S ASSIGNMENT TO A POSITION THAT REGULARLY PLACES THE EMPLOYEE IN AN OUTDOOR WOODED ENVIRONMENT LASTED FOR AT LEAST 1 YEAR; AND

3. THE EMPLOYEE FILES THE CLAIM FOR WORKERS' COMPENSATION ON OR BEFORE THE THIRD ANNIVERSARY OF THE LAST DATE THAT THE EMPLOYEE WAS ASSIGNED TO A POSITION THAT REGULARLY PLACED THE EMPLOYEE IN AN OUTDOOR WOODED ENVIRONMENT.

(e) (1) Except as provided in paragraph (2) of this subsection, any paid firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, a park police officer ~~OR EMPLOYEE IN THE SERVICE AND LABOR BARGAINING UNIT OR TRADES BARGAINING UNIT~~ of the Maryland-National Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George's County, or Prince George's County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of those individuals shall receive the benefits in addition to any benefits that the individual or the dependents of the individual is entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, a park police officer ~~OR EMPLOYEE IN THE SERVICE AND LABOR BARGAINING UNIT OR TRADES BARGAINING UNIT~~ of the Maryland-National Capital Park and Planning Commission, firefighter, fire fighting instructor, sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George's County or Montgomery County correctional officer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009. It shall remain effective for a period of 6 years and, at the end of September 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 19, 2009.