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Section

And the Commissioners to the payment of the interest on the retirement of such outstanding bonds as may be issued under this Act. The change in the method of collecting said annual assessments and charges shall not be construed as to make any of said annual assessments and charges subject to the bar of any statute of limitations.

Sec. 2. And be it further enacted, That this Act shall take effect on and after June 1, 1939.

Approved May 3, 1939.

CHAPTER 464

(House Bill 399)

AN ACT to amend Section 1 of Chapter 259 of the Laws of Maryland of 1933 providing for the appointment of a County Accountant for Montgomery County.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 1 of Chapter 259 of the Laws of Maryland 1933, providing for the appointment of a County Accountant and the same is hereby repealed and re-enacted, with amendments, so as to read as follows:

Sec. 1. It shall be the duty of the Board of County Commissioners to appoint a certified public accountant, as County Accountant, to hold office at the pleasure of the Board a salary not to exceed Thirty-six Hundred Dollars (\$3600.00) per year payable monthly of which salary Six Hundred Dollars (\$600.00) shall be payable out of the funds of the Liquor Control Board for Montgomery County. The County Accountant shall take the oath of office prescribed by the Constitution of this State, and shall furnish a bond in penalty and form and with surety satisfactory to the said Board, the premium for which shall be levied for and paid out of the County Tax funds.

Sec. 2. And be it further enacted, That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public health and safety, and being read by a yeas and nays vote, supported by three-fifths of all members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved May 11, 1939.

CHAPTER 465.

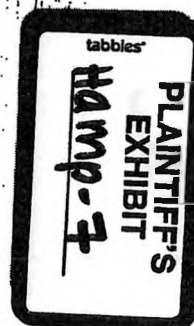
(House Bill 484)

AN ACT to add ten new sections to Article 101 of the Annotated Code of Maryland (1924 Edition and 1935 Supplement), title "Workmen's Compensation", to be under sub-title "Occupational Diseases", said new sections to be known as Sections 32A to 32J, inclusive, and to follow immediately after Section 32 of said Article, and to repeal and re-enact with amendments Section 54 of said Article, sub-title "Claims and Compensation; Benefits", Section 56 of said Article, sub-title "Appeals", and Section 65 of said Article, sub-title "Miscellaneous", providing that occupational diseases as defined therein shall be compensable under the Workmen's Compensation Act, enumerating the occupational diseases covered, creating a Medical Board to hear and pass upon cases involving medical questions as to occupational diseases and prescribing its duties and powers, relating to appeals in cases involving occupational diseases, providing that "injury", "personal injury", and "accidental personal injury" shall include the occupational diseases enumerated and assigning to the State Department of Health and to the Commissioner of Health of Baltimore City duties and powers for the control and prevention of occupational diseases.

SECTION 1. Be it enacted by the General Assembly of Maryland, That ten new sections be and they are hereby added to Article 101 of the Annotated Code of Maryland (1924 Edition and 1935 Supplement), title "Workmen's Compensation", to be under sub-title "Occupational Diseases", said new sections to be known as Sections 32A to 32J inclusive, to follow immediately after Section 32 of said Article, and that Section 54 of said Article, sub-title "Claims and Compensation; Benefits", Section 56 of said Article, sub-title "Appeals", and Section 65 of said Article "Miscellaneous", be and they are hereby repealed and re-enacted with amendments, all to read as follows:

Occupational Diseases.

32A. Every employee who, in the regular course of his employment, is injuriously subjected to an exposure to any of the occupational diseases hereinafter named, in an occupation or process hereinafter set down opposite the name of such disease, shall be deemed to be engaged in an extra-hazardous employment within the provisions of Section 32 of this Article. Compensation as provided in this Article shall be payable for disability or death of an employee resulting from the following occupational diseases:



Column One.

Column Two

Description of Diseases.

Description of Process or Occupation.

1. Anthrax.
2. Lead poisoning or its sequelae.
3. Zinc poisoning or its sequelae.
4. Mercury poisoning or its sequelae.
5. Phosphorus poisoning or its sequelae.
6. Arsenic poisoning or its sequelae.
7. Poisoning by wood alcohol.
8. Poisoning by benzol or nitro, hydro, hydroxy, and amido-derivatives of benzene (denitro-benzol, aniline, and others) or its sequelae.
9. Poisoning by carbon bisulphide or its sequelae, or any sulphide.
1. Handling of wool, hair, bristles, hides or skins.
2. Any process or occupation involving the use of or direct contact with lead or its preparations or compounds.
3. Any process or occupation involving the use of or direct contact with zinc or its preparations or compounds or alloys.
4. Any process or occupation involving the use of or direct contact with mercury or its preparations or compounds.
5. Any process or occupation involving the use of or direct contact with phosphorus or its preparations or compounds.
6. Any process or occupation involving the use of or direct contact with arsenic or its preparations or compounds.
7. Any process or occupation involving the use of or direct contact with wood alcohol or any preparation containing wood alcohol.
8. Any process or occupation involving the use of or direct contact with benzol or nitro, hydro, hydroxy, or amido-derivatives of benzene or its preparations or compounds.
9. Any process or occupation involving the use of or direct contact with carbon

bisulphide or its preparations or compounds or any sulphide.

10. Poisoning by nitrous fumes or its sequelae.
11. Poisoning by nickel carbonyl or its sequelae.
12. Dope poisoning (poisoning by tetrachloromethane or any substances used as or in conjunction with a solvent for acetate of cellulose or nitro cellulose, or its sequelae).
13. Poisoning by formaldehyde and its preparations.
14. Hydrocyanic acid poisoning.
15. Chlorine poisoning.
16. Ammonia poisoning.
17. Cadmium poisoning.
18. Manganese poisoning.
19. Chromic ulceration or dermatitis or their sequelae.
10. Any process or occupation in which nitrous fumes are evolved.
11. Any process or occupation in which nickel carbonyl is evolved.
12. Any process or occupation involving the use of or direct contact with any substances used as or in conjunction with a solvent for acetate of cellulose or nitro cellulose.
13. Any process or occupation involving the use of or direct contact with formaldehyde and its preparations.
14. Any process or occupation involving the use of or direct contact with the cyanides.
15. Any process or occupation involving the use of or direct contact with chlorine or its compounds.
16. Any process or occupation involving the use of or direct contact with ammonia or its compounds.
17. Any process or occupation involving the use of or direct contact with cadmium or its compounds.
18. Any process or occupation involving the use of or direct contact with manganese or its compounds.
19. Any process or occupation involving the use of or direct contact with chromic acid or bichromate of ammonium, potassium or sodium, or their preparations.

20. Epitheliomatous or cancer or ulceration of the skin or the corneal surface of the eye, due to pitch, tar, bitumen, mineral oil, or paraffin, or any compound, product or residue of any of these substances.
21. Glanders.
22. Compressed air illness or its sequelae.
23. Miners' diseases, including only cellulitis, bursitis, ankylostomiasis, tenosynovitis and nystagmus.
24. Cataract in glassworkers.
25. Radium poisoning or disability due to radioactive properties of substances or to roentgen rays (X-rays).
26. Poisoning from methyl chloride or other halogenated hydrocarbons.
27. Carbon monoxide poisoning.
28. Poisoning by sulphuric, hydro-chloric or hydro-fluoric acid.
29. Respiratory, gastro-intestinal or physiological nerve and eye disorders.
20. Any process or occupation involving the use of or direct contact with tar, pitch, bitumen, mineral oil, or paraffin or any compound, product or residue of any of these substances.
21. Care or handling of any equine animal or the carcass of any such animal.
22. Any process or occupation carried on in compressed air.
23. Any process or occupation in connection with mining or underground work.
24. Process in the manufacture of glass involving exposure to the glare of molten glass.
25. Any process or occupation involving the use of or direct contact with radium or radioactive substances or the use of or direct exposure to roentgen rays (X-rays).
26. Any process or occupation involving the use of or direct contact with methyl chloride or other halogenated hydrocarbons.
27. Any process or occupation involving direct exposure to carbon monoxide in buildings, sheds, or enclosed places.
28. Any process or occupation involving the use of or direct contact with sulphuric, hydro-chloric or hydro-fluoric acids or their fumes.
29. Any process or occupation involving the use of or direct contact with petroleum

- due to contact with petroleum products and their fumes. or petroleum products and their fumes.
30. Disability arising from blisters or abrasions. 30. Any process or occupation involving continuous friction, rubbing or vibrations causing blisters or abrasions.
31. Disability arising from bursitis or synovitis. 31. Any process or occupation involving continuous rubbing, pressure, or vibration of the parts affected.
32. Dermatitis (venenata). 32. Any process or occupation involving the use of or direct contact with acids, alkalies, oils, brick, cement, lime, concrete, mortar or other substances capable of causing dermatitis.
33. Silicosis. 33. Any process or occupation involving an exposure to or direct contact with silicon dioxide (SiO_2) dust.
34. Asbestosis. 34. Any process or occupation involving an exposure to or direct contact with asbestos dust.

32B. Where an employee of an employer subject to this Article suffers from an occupational disease, as hereinbefore listed, and is thereby disabled from performing his work in the last occupation in which he was injuriously exposed to the hazards of such disease, or dies as a result of such disease, and the disease was due to the nature of an occupation or process described in Section 32A hereof, in which he was employed within the period previous to his disablement as limited in Sections 32C and 32D hereof, the employee, or, in case of his death, his dependents shall be entitled to compensation in the amount and payable in the manner provided elsewhere in this Article, as if such disablement or death were an injury by accident, except as otherwise provided in Sections 32A to 32J hereof; and the practice and procedure prescribed elsewhere in this Article shall apply to proceedings for compensation for such diseases, except as in said Sections 32A to 32J, and Sections 54, 55 and 56, as hereby amended, otherwise provided.

No compensation shall be payable for an occupational disease if the employee, at the time of entering into the employment of the employer by whom the compensation would other-

wise be payable, falsely represented himself in writing as not having previously been disabled, laid off, or compensated in damages or otherwise, because of such disease.

Where an occupational disease is aggravated by any other disease or infirmity, not itself compensable, or where disability or death, from any other cause, not itself compensable, is aggravated, prolonged, accelerated or in anywise contributed to by an occupational disease, the percentage of such contribution to be determined by the Medical Board, as hereinafter created, the compensation payable shall be reduced and limited to such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death as such occupational disease, as a causative factor, bears to all the causes of such disability or death, such reduction in compensation to be effected by reducing the number of weekly or monthly payments or the amount of such payments, as under the circumstances of the particular case may be for the best interest of the claimant or claimants.

§20. No compensation for death from an occupational disease shall be payable to any person whose relationship to the deceased, which, under the provisions of this Article would give right to compensation, arose subsequent to the beginning of the first compensable disability save only to after-born children of a marriage existing at the beginning of such disability.

Where compensation is payable for an occupational disease, the employer in whose employment the employee was last injuriously exposed to the hazards of such disease, and the insurance carrier, if any, on the risk when such employee was last so exposed under such employer, shall be liable therefor; the amount of the compensation shall be based upon the average wages of the employee when last so exposed under such employer; and the notice of injury and claim for compensation, as hereinafter required, shall be given and made to such employer; provided, however, that in case of silicosis or asbestosis the only employer or insurance carrier liable shall be the last employer in whose employment the employee was last injuriously exposed to the hazards of the disease during a period of sixty (60) days or more after the effective date of this sub-title, and the insurance carrier, if any, on the risk when the employee was last so exposed under such employer.

An employer shall not be liable for any compensation for an occupational disease unless such disease shall be due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of and peculiar to the trade, occupation, process, or employment, and is actually

incurred in his employment and unless disablement or death results within three (3) years in case of silicosis or asbestosis, or one (1) year in case of any other occupational disease, after the last injurious exposure to such disease in such employment, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited, for which compensation has been paid or awarded or claim made as provided in this Article, and results within seven (7) years after such last exposure.

32D. In the absence of conclusive evidence in favor of the claim, disability or death from silicosis or asbestosis shall be presumed in fact not to be due to the nature of any occupation within the provisions of Section 32A of this Article, unless during the ten (10) years immediately preceding the date of disablement the employee has been exposed to the inhalation of silica dust or asbestos dust over a period of not less than five (5) years, two (2) years of which shall have been in this State, under a contract of employment existing in this State, provided, however, that if the employee shall have been employed by the same employer during the whole of such five-year period, his right to compensation against such employer shall not be affected by the fact that he had been employed during any part of such period outside of this State.

Compensation shall not be payable for partial disability due to silicosis or asbestosis. In the event of total disability or death from uncomplicated silicosis or asbestosis, compensation shall be payable to employees and their dependents as follows: If disablement occurs, or, in the case of no claim for prior disablement, if death occurs in the calendar month in which this sub-title becomes effective, the total compensation and death benefits payable shall not exceed the sum of Five Hundred Dollars (\$500.00). If disablement occurs, or, in the case of no claim for prior disablement, if death occurs during the next calendar month, the total compensation and death benefits payable shall not exceed Five Hundred and Fifty Dollars (\$550.00). Thereafter the total amount of compensation for death and benefits payable for total disability and death shall increase at the rate of Fifty Dollars (\$50.00) per month; the aggregate payable in each case to be limited according to the foregoing formula for the month in which total disability occurs, or, in case of no claim for prior disability, in which death occurs. Such progressive increase in the limitation of the total amount in any event payable for total permanent disability and death due to silicosis or asbestosis shall continue only until such total amount equals but does not exceed the sum which would be payable to the particular employee or his dependents; had such total permanent disability and death been due to an accidental injury.

In case of death from uncomplicated silicosis or asbestosis, compensation shall be payable in accordance with the foregoing provisions of this section: provided, however, that the compensation payable in any such case shall be limited to a period not to exceed the average life expectancy of a person of the age and sex of the deceased.

§21k. Where an employee, though not actually disabled, is found to be affected by silicosis or asbestosis, he may, subject to the approval of the Medical Board, hereinafter created, be permitted to waive in writing full compensation for any aggravation of his condition that may result from his continuing in his hazardous occupation. In the event of total disablement or death as a result of the disease with which the employee was so affected, after such a waiver, compensation shall nevertheless be payable as herein elsewhere provided, but in no case, whether for disability or death or both, for longer than one hundred (100) weeks, but in no case to exceed two thousand dollars (\$2,000) in the aggregate. A waiver so permitted shall remain effective, for the trade, occupations, process or employment for which executed, notwithstanding a change or changes of employer. The State Industrial Accident Commission shall make reasonable rules and regulations relative to the form, execution, filing or registration and public inspection of waivers or records thereof.

§21f. Written notice shall be given to the employer of an occupational disease by the employee or someone in his behalf within ten (10) days after the first distinct manifestation thereof, and in the case of death from such an occupational disease, written notice of such death shall also be given to the employer within thirty (30) days thereafter. Failure to give either of such notices shall be deemed waived unless objection is made at a hearing on the claim prior to any award or decision thereon. Actual knowledge of an occupational disease and of exposure to the conditions causing it, by the employer in whose employment the employee was last injuriously exposed, or by the responsible superintendent in charge of the work, shall be deemed notice of its contraction. If no claim for disability or death from an occupational disease be filed with the State Industrial Accident Commission within one (1) year from the date of disablement or death, as the case may be, the right to compensation for such disease shall be forever barred; provided, however, that the failure to file a claim within the time limited herein shall be deemed waived unless objection to such failure be made at a hearing on such claim before any award or decision thereon. Notice or claim shall be deemed waived in case of disability or death where the employer or insurance carrier makes compensation payments therefor, or within the time above limited, the employer or his insurance

carrier by his or its conduct leads the employee or claimant reasonably to believe that notice or claim has been waived by his or its affirmative conduct.

Whenever a disability from an occupational disease occurs to any employee it shall be the duty of the employer promptly upon obtaining knowledge or notice thereof, to at once report such disability to the Commission, and also to any local representative of the Commission. Such report shall state (a) the time, cause and nature of the disability, and the probable duration; (b) whether the disability from an occupational disease arose out of and in the course of the injured person's employment; (c) any other matters the rules and regulations of the Commission may prescribe.

This Article shall not apply to cases of occupational disease in which the last injurious exposure to the hazards of such diseases occurred before June 1, 1939.

32G. There shall be a Medical Board consisting of three members who shall be licensed physicians in good professional standing, two of whom shall have had at least five (5) years' practice in the diagnosis, treatment and care of industrial diseases, and one of whom shall be especially trained in roentgenology, and who shall have had at least five (5) years' practice and experience. They shall be appointed by the Governor, by and with the advice and consent of the Senate from a list of nominees to be submitted by the Deans of the medical departments of the University of Maryland and of the Johns Hopkins University, and by the council of the Medical and Chirurgical Faculty of Maryland, each of these three agencies to submit a list of at least three persons, two of whom shall be especially experienced in occupational diseases, and one of whom shall be an experienced roentgenologist. One of said members shall be designated as Chairman of the Medical Board by the Governor. The term of office of a member of such Board shall be six (6) years, except that the first appointments hereunder shall be made as follows: one for two (2) years, one for four (4) years, and one for six (6) years. Vacancies shall be filled for the balance of the unexpired terms in the same manner as the original appointments as hereinabove provided. A majority of the Medical Board shall constitute a quorum. The Medical Board shall have the power and authority to make rules regulating its procedure, to contract for laboratory work, to make necessary investigations of working conditions; to provide for ordering and the conducting of autopsies, to conduct hearings on medical questions, to determine medical issues, and to perform such other reasonable duties as the work of the Board may require. The functions of the Board shall be as set forth elsewhere in this Article.