



## House Bill 366

*Workers' Compensation - Exemption From Exclusivity of Remedy -  
Action for Wrongful Death by Nondependent Child*

MACo Position: **OPPOSE**

To: Economic Matters Committee

Date: March 11, 2026

From: Karrington Anderson

The Maryland Association of Counties (MACo) **OPPOSES** HB 366. This bill would allow non-dependent children of an employee, including adult children, to bring a wrongful death lawsuit against an employer in court outside of the workers' compensation system. This would allow claims for damages not available under workers' compensation, including noneconomic damages such as pain and suffering and loss of companionship.

Counties recognize that this legislation addresses deeply personal and difficult circumstances. The loss of a loved one is profound, and counties appreciate the intent to provide additional avenues for families seeking justice. However, as drafted, HB 366 would create a new and significant exception to one of the core principles of Maryland's workers' compensation system: the exclusive remedy rule.

Under current law, workers' compensation benefits provide the sole remedy for damages resulting from a work-related injury or death for the employee, their spouse, and their dependents. In exchange for guaranteed and timely benefits for injured workers and their families, employers receive predictable and limited liability. This balance is fundamental to the workers' compensation system and has long provided stability for both workers and employers acting in good faith.

By creating a new class of individuals who may pursue direct legal action outside the workers' compensation system, the bill expands employer liability and erodes a core protection relied upon by counties and other employers. Importantly, this exposure could occur even when the employer has complied with workers' compensation requirements and acted in good faith. Current law already recognizes limited exceptions to the exclusive remedy rule, such as when an employer fails to participate in the workers' compensation system or when an injury or death results from deliberate intent. These narrow exceptions preserve accountability while maintaining the overall balance of the system.

Expanding additional pathways for litigation outside the workers' compensation framework introduces uncertainty and potential liability beyond what the system was designed to address. For counties as employers, this change could increase legal exposure and costs while undermining the predictability that the workers' compensation system is intended to provide, placing additional strain on already limited resources needed to support essential county services. For these reasons, MACo respectfully urges an **UNFAVORABLE** report on HB 366.