

HOUSE BILL 368

D3, J1

5lr1617
CF SB 214

By: **Delegate Beidle (By Request – Anne Arundel County Administration) and Delegates Carey, Chang, S. Howard, McConkey, McMillan, Pena–Melnik, Saab, Simonaire, Sophocleus, ~~and Vitale~~ Vitale, Bromwell, Anderson, Angel, Atterbeary, Cullison, Dumais, Hammen, Hayes, Kipke, Krebs, Miele, Moon, Morales, Morhaim, Oaks, Pendergrass, Reznik, West, and K. Young**

Introduced and read first time: February 6, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2015

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Immunity From Liability – Emergency Medical Care for Drug**
3 **Overdose**

4 FOR the purpose of providing immunity from civil liability for a certain person
5 administering certain medications or treatment in response to an apparent drug
6 overdose if the person is ~~trained and certified~~ licensed or certified as an emergency
7 medical services provider by the State Emergency Medical Services Board and is
8 authorized to administer the medications and treatment under certain protocols, or
9 is certified to administer the medications and treatment under certain protocols
10 established by the Secretary of Health and Mental Hygiene or the Maryland State
11 Police Medical Director; extending immunity under this Act to a corporation under
12 certain circumstances; providing for the application of this Act; and generally
13 relating to civil liability for acts or omissions in giving emergency medical care.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 5–603
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Courts and Judicial Proceedings**

4 5–603.

5 (a) A person described in subsection (b) of this section is not civilly liable for any
6 act or omission in giving any assistance or medical care, if:

7 (1) The act or omission is not one of gross negligence;

8 (2) The assistance or medical care is provided without fee or other
9 compensation; and

10 (3) The assistance or medical care is provided:

11 (i) At the scene of an emergency;

12 (ii) In transit to a medical facility; or

13 (iii) Through communications with personnel providing emergency
14 assistance.

15 (b) Subsection (a) of this section applies to the following:

16 (1) An individual who is licensed by this State to provide medical care;

17 (2) A member of any State, county, municipal, or volunteer fire
18 department, ambulance and rescue squad, or law enforcement agency, the National Ski
19 Patrol System, or a corporate fire department responding to a call outside of its corporate
20 premises, if the member:

21 (i) Has completed an American Red Cross course in advanced first
22 aid and has a current card showing that status;

23 (ii) Has completed an equivalent of an American Red Cross course in
24 advanced first aid, as determined by the Secretary of Health and Mental Hygiene; ~~or~~

25 (iii) Is certified or licensed by this State as an emergency medical
26 services provider; **OR**

27 **(IV) IS ADMINISTERING MEDICATIONS OR TREATMENT**
28 **APPROVED FOR USE IN RESPONSE TO AN APPARENT DRUG OVERDOSE AND THE**
29 **MEMBER IS:**

1 **1. LICENSED OR CERTIFIED AS AN EMERGENCY**
 2 **MEDICAL SERVICES PROVIDER BY THE STATE EMERGENCY MEDICAL SERVICES**
 3 **BOARD AND AUTHORIZED TO ADMINISTER THE MEDICATIONS AND TREATMENT**
 4 **UNDER PROTOCOLS ESTABLISHED BY THE STATE EMERGENCY MEDICAL SERVICES**
 5 **BOARD;**

6 **2. CERTIFIED TO ADMINISTER THE MEDICATIONS AND**
 7 **TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF HEALTH**
 8 **AND MENTAL HYGIENE; OR**

9 **3. CERTIFIED TO ADMINISTER THE MEDICATIONS AND**
 10 **TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE MARYLAND STATE POLICE**
 11 **MEDICAL DIRECTOR;**

12 ~~(3) A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER~~
 13 ~~FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT~~
 14 ~~AGENCY, OR A CORPORATE FIRE DEPARTMENT ADMINISTERING MEDICATIONS OR~~
 15 ~~TREATMENT IN RESPONSE TO AN APPARENT DRUG OVERDOSE, IF THE MEMBER IS~~
 16 ~~TRAINED AND CERTIFIED UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF~~
 17 ~~HEALTH AND MENTAL HYGIENE TO ADMINISTER MEDICATIONS AND TREATMENT~~
 18 ~~APPROVED FOR USE IN RESPONSE TO A DRUG OVERDOSE;~~

19 ~~(4)~~ A volunteer fire department or ambulance and rescue squad whose
 20 members have immunity; and

21 ~~[(4)] (5)~~ A corporation when its fire department personnel are immune
 22 under paragraph (2) ~~OR PARAGRAPH (3)~~ of this subsection.

23 (c) An individual who is not covered otherwise by this section is not civilly liable
 24 for any act or omission in providing assistance or medical aid to a victim at the scene of an
 25 emergency, if:

26 (1) The assistance or aid is provided in a reasonably prudent manner;

27 (2) The assistance or aid is provided without fee or other compensation;
 28 and

29 (3) The individual relinquishes care of the victim when someone who is
 30 licensed or certified by this State to provide medical care or services becomes available to
 31 take responsibility.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
 33 apply only prospectively and may not be applied or interpreted to have any effect on or
 34 application to any cause of action arising before the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.