

HOUSE BILL 898

D3, J1

5lr2422

By: **Delegates Bromwell, Anderson, Angel, Atterbeary, Cullison, Dumais, Hammen, Hayes, Kipke, Krebs, Miele, Moon, Morales, Morhaim, Oaks, Pendergrass, Reznik, Saab, West, and K. Young**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

A BILL ENTITLED

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 medications or treatment in response to an apparent drug overdose if
6 the person is trained and certified under certain protocols established by the
7 Secretary of Health and Mental Hygiene; extending immunity under this Act to a
8 corporation under certain circumstances; providing for the application of this Act;
9 and generally relating to civil liability for acts or omissions in giving emergency
10 medical care.

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

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

18 **Article – Courts and Judicial Proceedings**

19 5–603.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (i) At the scene of an emergency;

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

6 (iii) Through communications with personnel providing emergency
7 assistance.

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

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

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

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

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

18 (iii) Is certified or licensed by this State as an emergency medical
19 services provider;

20 (3) **A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER**
21 **FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT**
22 **AGENCY, OR A CORPORATE FIRE DEPARTMENT ADMINISTERING MEDICATIONS OR**
23 **TREATMENT IN RESPONSE TO AN APPARENT DRUG OVERDOSE, IF THE MEMBER IS**
24 **TRAINED AND CERTIFIED UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF**
25 **HEALTH AND MENTAL HYGIENE TO ADMINISTER MEDICATIONS AND TREATMENT**
26 **APPROVED FOR USE IN RESPONSE TO A DRUG OVERDOSE;**

27 (4) A volunteer fire department or ambulance and rescue squad whose
28 members have immunity; and

29 [(4)] (5) A corporation when its fire department personnel are immune
30 under paragraph (2) **OR PARAGRAPH (3)** of this subsection.

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

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

5 (2) The assistance or aid is provided without fee or other compensation;
6 and

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

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

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