

HOUSE BILL 838

D3, J1

6lr2667

By: **Delegates Waldstreicher, Anderson, and Smith**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Immunity – Emergency Care for Drug Overdose – Protocols**

3 FOR the purpose of providing that a certain person is not civilly liable for certain acts or
4 omissions in administering medications or treatment approved for use in response
5 to an apparent drug overdose only if the person is acting in accordance with certain
6 protocols; and generally relating to civil immunity for acts or omissions in giving
7 emergency medical care.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 5–603
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2015 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 5–603.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) At the scene of an emergency;
- 2 (ii) In transit to a medical facility; or
- 3 (iii) Through communications with personnel providing emergency
- 4 assistance.

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

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

7 (2) A member of any State, county, municipal, or volunteer fire

8 department, ambulance and rescue squad, or law enforcement agency, the National Ski

9 Patrol System, or a corporate fire department responding to a call outside of its corporate

10 premises, if the member:

11 (i) Has completed an American Red Cross course in advanced first

12 aid and has a current card showing that status;

13 (ii) Has completed an equivalent of an American Red Cross course in

14 advanced first aid, as determined by the Secretary of Health and Mental Hygiene;

15 (iii) Is certified or licensed by this State as an emergency medical

16 services provider; or

17 (iv) Is administering medications or treatment approved for use in

18 response to an apparent drug overdose and the member is:

19 1. **A.** Licensed or certified as an emergency medical

20 services provider by the State Emergency Medical Services Board and authorized to

21 administer the medications and treatment under protocols established by the State

22 Emergency Medical Services Board;

23 [2.] **B.** Certified to administer the medications and

24 treatment under protocols established by the Secretary of Health and Mental Hygiene; or

25 [3.] **C.** Certified to administer the medications and

26 treatment under protocols established by the Maryland State Police Medical Director; **AND**

27 **2. ACTING IN ACCORDANCE WITH THE PROTOCOLS**

28 **ESTABLISHED FOR THE MEMBER'S LICENSE OR CERTIFICATION;**

29 (3) A volunteer fire department or ambulance and rescue squad whose

30 members have immunity; and

1 (4) A corporation when its fire department personnel are immune under
2 paragraph (2) of this subsection.

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

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

7 (2) The assistance or aid is provided without fee or other compensation;
8 and

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2016.