



Maryland Association for Justice, Inc.

2020 Position Paper

HB 773

Public and Nonpublic Schools – Bronchodilator Availability and Use – Policy (Bronchodilator Rescue Inhaler Law)

FAVORABLE WITH AMENDMENT

The Maryland Association for Justice, Inc. (MAJ) represents over 1,200 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers, and individuals that have been injured by bad actors.

Generally, MAJ opposes any legislation that expands immunity; however, MAJ understands the importance of keeping schools safe for their students and employees.

MAJ respectfully offers the following amendments to HB 773 to further clarify the immunity provision in the bill and mirror the immunity to an existing statute (*Md. Health-Gen. § 13-7A-07(a)(2)*).

ON PAGE 3; PART (D) - LINES 23-26

23 (d) (1) Except for any willful or grossly negligent act **OR INTENTIONALLY**
TORTIOUS CONDUCT, AND EXCEPT AS PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION, a
school nurse or other school

24 personnel who respond in good faith to the anaphylactic reaction, ASTHMA ATTACK, OR

25 RESPIRATORY DISTRESS of a child in accordance with this section may not be held

26 personally liable for any act or omission in the course of responding to the reaction.

(2) THE PROVISIONS OF PARAGRAPH 1 OF THIS SUBSECTION DO NOT APPLY IF A SCHOOL NURSE OR OTHER SCHOOL PERSONNEL WHO RESPONDS TO THE ANAPHYLACTIC REACTION, ASTHMA ATTACK, OR RESPIRATORY DISTRESS OF A CHILD

(I) FAILS REASONABLY TO FOLLOW STANDARDS AND PROCEDURES FOR STORAGE AND ADMINISTRATION OF AUTO-INJECTIBLE EPINEPHRINE OR BRONCHODILATOR INHALERS; OR

(II) ADMINISTERS AUTO-INJECTIBLE EPINEPHRINE OR BRONCHODILATORS BEYOND THE MANUFACTURER'S EXPIRATION DATE.

(OVER)



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ON PAGE 6; PART (D) – LINES 13-16

13 (d) (1) Except for any willful or grossly negligent act **OR INTENTIONALLY**
14 **TORTIOUS CONDUCT, AND EXCEPT AS PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION,**
15 school personnel who respond

14 in good faith to the anaphylactic reaction, ASTHMA ATTACK, OR RESPIRATORY DISTRESS

15 of a child in accordance with this section may not be held personally liable for any act or

16 omission in the course of responding to the reaction.

(2) THE PROVISIONS OF PARAGRAPH 1 OF THIS SUBSECTION DO
NOT APPLY IF A SCHOOL NURSE OR OTHER SCHOOL PERSONNEL WHO RESPONDS TO THE
ANAPHYLACTIC REACTION, ASTHMA ATTACK, OR RESPIRATORY DISTRESS OF A CHILD

(I) FAILS REASONABLY TO FOLLOW STANDARDS AND
PROCEDURES FOR STORAGE AND ADMINISTRATION OF AUTO-INJECTIBLE EPINEPHRINE OR
BRONCHODILATOR INHALERS; OR

(II) ADMINISTERS AUTO-INJECTIBLE EPINEPHRINE OR
BRONCHODILATORS BEYOND THE MANUFACTURER'S EXPIRATION DATE.

Source: Md. Health-Gen. § 13-7A-07(a)(2).