



Thursday January 20, 2022

**HB 136 - Education - Public and Nonpublic Schools - Seizure Action Plans
(Brynleigh's Act)
Favorable with Amendments**

The Maryland Association for Justice (MAJ) envisions a fair and impartial legal system that protects the rights and safety of all people. The Maryland Association for Justice is dedicated to improving and protecting the civil justice system through legislative advocacy and the professional development of trial lawyers.

HB 136 would establish components of a Seizure Action Plan to be adopted and maintained by public and non-public schools in Maryland. Central to HB 136 is a legislative grant of immunity: causes of action for civil liability “may not arise” against certificate holders who participate in the plan and negligently cause harm. §7-450 (page 5, Part (G)). MAJ respectfully submits that a broad legislative grant of immunity is bad public policy, because victims of negligent conduct, including minor children, lose their chance to get justice in court. HB 136 attempts to narrow the immunity to only those who respond in good faith in accordance with the Seizure Action Plan; however, MAJ respectfully offers the following amendments to further clarify immunity eligibility.

Beginning on Page 5, Line 1 of HB 136 insert and remove the following:

- 1 **(G) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE**
- 2 **OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN ACCORDANCE WITH THIS**
- 3 **SECTION AND IN GOOD FAITH TO A STUDENT**
- 4 **~~EXPERIENCING A SEIZURE OR SEIZURE DISORDER SYMPTOMS IN~~**
- 5 **~~ACCORDANCE WITH~~**
- 6 **~~THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION~~**
- 7 **~~IN THE~~**
- 8 **~~COURSE OF RESPONDING TO THE SITUATION.~~**

MAJ respectfully urges a Favorable with Amendments Report