
By: Delegates Bissett, Busch, and Clagett

Introduced and read first time: January 19, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Good Samaritan Immunity - Insurance Payments**

3 FOR the purpose of removing certain payments made by health care insurance providers
4 to fire, emergency, rescue, ambulance, and law enforcement agencies and other
5 persons from the scope of provisions requiring that emergency healthcare workers,
6 as a condition of keeping their immunity from civil liability, provide emergency
7 assistance or medical care without a fee or other compensation; providing for the
8 application of this Act; and generally relating to immunity from civil liability for
9 persons who give emergency assistance or medical care.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 5-309
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1995 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 5-309.

19 (a) IN THIS SECTION, "FEE OR OTHER COMPENSATION" DOES NOT INCLUDE A
20 PAYMENT PAID BY A HEALTH CARE INSURANCE PROVIDER TO A PERSON LISTED
21 UNDER SUBSECTION (C) OF THIS SECTION.

22 (B) A person described in subsection [(b)] (C) of this section is not civilly liable
23 for any act or omission in giving any assistance or medical care, if:

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

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

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

28 (i) At the scene of an emergency;

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

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1 (iii) Through communications with personnel providing emergency
2 assistance.

3 [(b)] (C) Subsection [(a)] (B) of this section applies to the following:

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

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

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

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

13 (iii) Is certified by this State as an emergency medical technician or
14 cardiac rescue technician;

15 (3) A volunteer fire department, ambulance and rescue squad whose
16 members have immunity; AND

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

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

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

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

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

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

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1996.