
By: Senator Hafer

Requested: November 13, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence - Medical Malpractice - Trauma Surgery**

3 FOR the purpose of requiring a court in medical malpractice cases involving trauma
4 surgery to admit into evidence proof by the defendant that the plaintiff was under
5 the influence of alcohol or a controlled dangerous substance at the time of the
6 surgery; defining certain terms; and generally relating to the admissibility of
7 evidence in malpractice cases involving trauma surgery.

8 BY adding to

9 Article - Courts and Judicial Proceedings
10 Section 10-918
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 10-918.

17 (A) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
18 INDICATED:

19 (1) "TRAUMA SURGERY" MEANS THE SURGICAL REPAIR OF
20 LIFE-THREATENING OR POTENTIALLY LIFE-THREATENING INJURIES OR
21 LIMB-THREATENING OR POTENTIALLY LIMB-THREATENING INJURIES.

22 (2) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING
23 STATED IN ARTICLE 27, § 277 OF THE CODE.

24 (B) WHEN A DEFENDANT IN A MEDICAL MALPRACTICE ACTION INVOLVING
25 TRAUMA SURGERY OFFERS PROOF THAT THE PLAINTIFF WAS EITHER UNDER THE
26 INFLUENCE OF ALCOHOL OR ANY CONTROLLED DANGEROUS SUBSTANCE AT THE
27 TIME OF THE SURGERY, THE COURT SHALL ADMIT RELATED EVIDENCE OF THE
28 CONDITION OF THE PLAINTIFF.

2

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997.