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**By: The President (Department of Legislative Reference)**

Introduced and read first time: January 9, 1997

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 1997

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

**2 Good Samaritan Immunity - Emergency Medical Technician-Paramedics**

3 FOR the purpose of clarifying that an individual who is certified by the State as an  
 4 emergency medical technician-paramedic is entitled to qualified immunity from  
 5 civil liability for providing emergency assistance or medical care under certain  
 6 circumstances; repealing a certain provision requiring paramedics to undergo  
 7 making passage of a certain Act contingent on the passage of legislation creating a  
 8 State licensing procedure for paramedics; changing a reference from "emergency  
 9 medical technician" to "emergency medical technician-paramedic"; providing for  
 10 the effective date of this Act; and generally relating to qualified immunity from civil  
 11 liability for ~~providing emergency medical care and~~ emergency medical  
 12 technician-paramedics.

13 ~~BY repealing and reenacting, with amendments,~~  
 14 ~~Article—Courts and Judicial Proceedings~~  
 15 ~~Section 5-309~~  
 16 ~~Annotated Code of Maryland~~  
 17 ~~(1995 Replacement Volume and 1996 Supplement)~~

18 BY repealing  
 19 Chapter 248 of the Acts of the General Assembly of 1983  
 20 Section 2

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

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1 ~~Article—Courts and Judicial Proceedings~~

2 ~~5-309.~~

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

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

6 (2) ~~The assistance or medical care is provided without fee or other~~  
7 ~~compensation; and~~

8 (3) ~~The assistance or medical care is provided:~~

9 (i) ~~At the scene of an emergency;~~

10 (ii) ~~In transit to a medical facility; or~~

11 (iii) ~~Through communications with personnel providing emergency~~  
12 ~~assistance.~~

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

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

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

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

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

23 (iii) ~~Is certified by this State as an [emergency medical technician]~~  
24 ~~EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC or cardiac rescue technician;~~

25 (3) ~~A volunteer fire department, ambulance and rescue squad whose~~  
26 ~~members have immunity;~~

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

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

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

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

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

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1           **Chapter 248 of the Acts of 1983**

2           [SECTION 2. AND BE IT FURTHER ENACTED, That the passage of this Act is  
3 contingent upon the passage of an Act which creates a State licensing procedure for  
4 paramedics. If such an Act is not enacted, the provisions of this Act are null and void  
5 without the need of further action by the General Assembly.]

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is intended to  
7 clarify that an individual who is certified by the State ~~Board of Physician Quality~~  
8 ~~Assurance~~ as an emergency medical technician-paramedic, also known as an "EMT-P" or  
9 "paramedic", is entitled under § 5-309(b)(2)(iii) of the Courts Article to qualified  
10 immunity from civil liability for providing emergency assistance or medical care ~~without~~  
11 ~~undergoing a State licensing procedure for paramedics.~~

12           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 ~~October~~ June 1, 1997.