

HOUSE BILL 1438
EMERGENCY BILL

Unofficial Copy
E4

2000 Regular Session
0lr3112
CF 0lr3113

By: **The Speaker (Administration)**

Rules suspended

Introduced and read first time: April 1, 2000

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Medical Care - Civil Liability - Fire, Ambulance, or Rescue**
3 **Companies and Personnel**

4 FOR the purpose of altering the circumstances under which a person is not civilly
5 liable for any act or omission in giving any assistance or medical care; making
6 this Act an emergency measure; and generally relating to civil liability for any
7 act or omission in giving assistance or medical care.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 5-603
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1999 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 5-603.

17 (a) (1) A person described in subsection (b) of this section is not civilly liable
18 for any act or omission in giving any assistance or medical care, if:

19 [(1)] (I) The act or omission is not one of gross negligence;

20 [(2)] The assistance or medical care is provided without fee or other
21 compensation; and]

22 (II) THE INDIVIDUAL PROVIDING THE ASSISTANCE OR MEDICAL
23 CARE DOES NOT CHARGE THE RECIPIENT OF THE ASSISTANCE OR MEDICAL CARE A
24 FEE OR OTHER COMPENSATION FOR PROVIDING THE ASSISTANCE OR MEDICAL
25 CARE; AND

26 [(3)] (III) The assistance or medical care is provided:

- 1 [(i)] 1. At the scene of an emergency;
- 2 [(ii)] 2. In transit to a medical facility; or
- 3 [(iii)] 3. Through communications with personnel providing
4 emergency assistance.

5 (2) AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS
6 SUBSECTION AND IS AFFILIATED WITH A STATE, COUNTY, MUNICIPAL, OR
7 VOLUNTEER FIRE, AMBULANCE, OR RESCUE COMPANY IS COVERED UNDER THIS
8 SUBSECTION REGARDLESS OF WHETHER THE STATE, COUNTY, MUNICIPAL, OR
9 VOLUNTEER FIRE, AMBULANCE, OR RESCUE COMPANY CHARGES THE RECIPIENT OF
10 THE ASSISTANCE OR MEDICAL CARE A FEE FOR THE ASSISTANCE, INCLUDING
11 TRANSPORTATION OR MEDICAL CARE PROVIDED.

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

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

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

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

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

23 (iii) Is certified or licensed by this State as an emergency medical
24 services provider;

25 (3) A STATE, COUNTY, MUNICIPAL, OR volunteer fire department,
26 ambulance and rescue squad whose members have immunity; and

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
30 liable for any act or omission in providing assistance or medical aid to a victim at the
31 scene of 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;

34 and

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
5 emergency measure, is necessary for the immediate preservation of the public health
6 and safety, has been passed by a ye and nay vote supported by three-fifths of all the
7 members elected to each of the two Houses of the General Assembly, and shall take
8 effect from the date it is enacted.