

SENATE BILL 188

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2000 Regular Session
0lr0477

By: **Senators Conway, Kelley, Blount, Exum, Mitchell, Lawlah, McFadden,
Teitelbaum, and Currie**

Introduced and read first time: January 24, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Arrests - Access to Medical Care and Medication in Confinement**

3 FOR the purpose of allowing an individual who is arrested while in possession of
4 properly prescribed medication to take the medication as prescribed while in
5 custody; providing that a physician's attendance is not required for the
6 administration of medical care or medication to a certain individual under
7 certain circumstances; making stylistic changes; and generally relating to an
8 individual's access to medical care and medication in confinement.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 594C-1
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1999 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 594C-1.

18 (a) Any person who suffers from epilepsy, diabetes, a cardiac condition, or any
19 other type of illness which causes temporary blackouts, semiconscious periods, or
20 complete unconsciousness, may wear an identification bracelet or metal tag or carry
21 an identification card with the person's name, type of illness, physician's name and
22 medication required, engraved, stamped, or imprinted thereon.

23 (b) It is the duty of all law enforcement officers in this State to make a diligent
24 effort to determine if any person they find in a semiconscious or unconscious condition
25 is an epileptic or diabetic or a person who is suffering from any other type of illness
26 which would cause semiconsciousness or unconsciousness, and who is carrying an
27 identification bracelet or metal tag or an identification card as mentioned in
28 subsection (a), before the person may be charged with a crime. If any law enforcement

1 officer determines that the person is actually suffering from an affliction which would
2 cause semiconsciousness or unconsciousness, and the person is carrying an
3 identification bracelet or metal tag or identification card as mentioned in subsection
4 (a), it is his duty to notify the person's physician immediately or to have the person
5 immediately transported to a physician or to some facility where the services of a
6 physician are available.

7 (C) (1) AN INDIVIDUAL WHO IS IN POSSESSION OF PROPERLY PRESCRIBED
8 MEDICATION AT THE TIME OF ARREST MAY TAKE THE MEDICATION AS PRESCRIBED
9 WHILE IN CUSTODY.

10 (2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, AN
11 INDIVIDUAL IN CUSTODY WITH A KNOWN MEDICAL CONDITION MAY BE
12 ADMINISTERED AVAILABLE MEDICAL CARE OR MEDICATION WITHOUT A
13 PHYSICIAN'S ATTENDANCE DURING A MEDICAL EMERGENCY RELATING TO THE
14 KNOWN MEDICAL CONDITION.

15 [(c)] (D) [Any] A person who wilfully and knowingly falsifies [such] THE
16 identification BRACELETS, CARDS, OR TAGS DESCRIBED IN SUBSECTION (A) OF THIS
17 SECTION or deliberately misrepresents [such] an illness as [causes] CAUSING
18 blackouts, unconsciousness, or semiconscious periods as described [herein above] IN
19 SUBSECTION (B) OF THIS SECTION is guilty of a misdemeanor and[, upon] ON
20 conviction[,] shall be [fined not more than] SUBJECT TO A FINE NOT EXCEEDING
21 \$500.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2000.