

# HOUSE BILL 1117

D3, F5  
HB 1134/08 – JUD

9lr1351

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By: **Delegates Lee, Barkley, Beidle, Boteler, Bronrott, Carr, DeBoy, Dumais, Elliott, Frick, Hecht, Ivey, Kaiser, Kipke, Kramer, Krebs, Levi, Levy, McComas, McDonough, Montgomery, Ramirez, Riley, Robinson, Shewell, Sophocleus, Stocksdales, F. Turner, Valderrama, and Walkup**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

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

1 AN ACT concerning

2 **Immunity from Liability – Medical Emergency – Use of Automated External**  
3 **Defibrillator**

4 FOR the purpose of providing immunity from civil liability under certain  
5 circumstances, notwithstanding certain other provisions of law, to an individual  
6 or facility that acquires an automated external defibrillator (AED) or that owns,  
7 manages, or is responsible for the premises where an AED is located, to a  
8 certain individual who retrieves an AED, or to a certain individual who uses,  
9 attempts to use, or fails to use an AED in response to a sudden cardiac arrest  
10 emergency at a facility; providing that immunity is limited to certain  
11 circumstances; providing that immunity from liability is not available to certain  
12 persons for certain conduct that is grossly negligent, willful or wanton  
13 misconduct, or intentionally tortious conduct; altering, under the Public Access  
14 Automated External Defibrillator Program of the Maryland Institute for  
15 Emergency Medical Services Systems, the circumstances under which an  
16 individual is immune from civil liability for providing automated external  
17 defibrillation; and generally relating to immunity from liability for use of an  
18 automated external defibrillator.

19 BY repealing and reenacting, without amendments,  
20 Article – Courts and Judicial Proceedings  
21 Section 5–603(c)  
22 Annotated Code of Maryland

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2006 Replacement Volume and 2008 Supplement)

2 BY adding to

3 Article – Courts and Judicial Proceedings

4 Section 5–603(d)

5 Annotated Code of Maryland

6 (2006 Replacement Volume and 2008 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article – Education

9 Section 13–517(a)(1) and (2)

10 Annotated Code of Maryland

11 (2008 Replacement Volume)

12 BY repealing and reenacting, with amendments,

13 Article – Education

14 Section 13–517(j)(3)

15 Annotated Code of Maryland

16 (2008 Replacement Volume)

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

19 **Article – Courts and Judicial Proceedings**

20 5–603.

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

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

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

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

30 (D) (1) IN THIS SUBSECTION, “AUTOMATED EXTERNAL  
31 DEFIBRILLATOR (AED)” MEANS A MEDICAL HEART MONITOR AND  
32 DEFIBRILLATOR DEVICE THAT:

33 (I) IS CLEARED FOR MARKET BY THE FEDERAL FOOD AND  
34 DRUG ADMINISTRATION;

1 (II) RECOGNIZES THE PRESENCE OR ABSENCE OF  
2 VENTRICULAR FIBRILLATION OR RAPID VENTRICULAR TACHYCARDIA;

3 (III) DETERMINES, WITHOUT INTERVENTION BY AN  
4 OPERATOR, WHETHER DEFIBRILLATION SHOULD BE PERFORMED;

5 (IV) ON DETERMINING THAT DEFIBRILLATION SHOULD BE  
6 PERFORMED, AUTOMATICALLY CHARGES; AND

7 (V) 1. REQUIRES OPERATOR INTERVENTION TO  
8 DELIVER THE ELECTRICAL IMPULSE; OR

9 2. AUTOMATICALLY CONTINUES WITH DELIVERY OF  
10 ELECTRICAL IMPULSE.

11 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
12 FOLLOWING INDIVIDUALS AND FACILITIES ARE IMMUNE FROM CIVIL LIABILITY  
13 FOR DAMAGES RELATING TO THE USE, POSSESSION, OR PURCHASE OF AN  
14 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) OR ARISING OUT OF ANY ACT  
15 OR OMISSION IN PREPARING FOR OR RESPONDING TO A SUSPECTED SUDDEN  
16 CARDIAC ARREST EMERGENCY:

17 (I) AN INDIVIDUAL OR FACILITY THAT ACQUIRES AN AED,  
18 IF THE AED IS MAINTAINED AND TESTED IN ACCORDANCE WITH THE  
19 STANDARDS ESTABLISHED BY THE MANUFACTURER OF THE AED;

20 (II) AN INDIVIDUAL OR FACILITY THAT OWNS, MANAGES, OR  
21 IS OTHERWISE RESPONSIBLE FOR THE PREMISES ON WHICH AN AED IS  
22 LOCATED, IF THE AED IS MAINTAINED AND TESTED IN ACCORDANCE WITH THE  
23 STANDARDS ESTABLISHED BY THE MANUFACTURER OF THE AED;

24 (III) AN INDIVIDUAL WHO RETRIEVES AN AED IN RESPONSE  
25 TO A PERCEIVED SUDDEN CARDIAC ARREST EMERGENCY AT A FACILITY; OR

26 (IV) AN INDIVIDUAL WHO USES, ATTEMPTS TO USE, OR FAILS  
27 TO USE AN AED IN RESPONSE TO A PERCEIVED SUDDEN CARDIAC ARREST  
28 EMERGENCY AT A FACILITY.

29 (3) THE IMMUNITY PROVIDED IN THIS SUBSECTION ~~IS~~:

30 (I) IS LIMITED TO ASSISTANCE OR MEDICAL CARE  
31 PROVIDED WITHOUT FEE OR OTHER COMPENSATION AT THE SCENE OF THE  
32 PERCEIVED SUDDEN CARDIAC ARREST EMERGENCY; AND

1                    (II) IS NOT AVAILABLE IF THE CONDUCT OF THE  
2 INDIVIDUAL OR FACILITY AMOUNTS TO GROSS NEGLIGENCE, WILLFUL OR  
3 WANTON MISCONDUCT, OR INTENTIONALLY TORTIOUS CONDUCT.

4 **Article – Education**

5 13–517.

6 (a) (1) In this section the following words have the meanings indicated.

7           (2) “Automated external defibrillator (AED)” means a medical heart  
8   monitor and defibrillator device that:

9 (i) Is cleared for market by the federal Food and Drug  
0 Administration;

1 (ii) Recognizes the presence or absence of ventricular fibrillation  
2 or rapid ventricular tachycardia;

3 (iii) Determines, without intervention by an operator, whether  
4 defibrillation should be performed;

(iv) On determining that defibrillation should be performed, automatically charges; and

(v) 1. Requires operator intervention to deliver the electrical impulse; or

9 2. Automatically continues with delivery of electrical  
00 impulse.

1 (j) (3) In addition to any other immunities available under statutory or  
2 common law, an individual is not civilly liable for any act or omission if:

3 (i) The individual is acting in good faith while rendering  
4 automated external defibrillation to a person who is a victim or reasonably believed by  
5 the individual to be a victim of a sudden cardiac arrest; **AND**

06 (ii) [The assistance or aid is provided in a reasonably prudent  
07 manner; and

8 (iii)] The automated external defibrillation is provided without  
9 fee or other compensation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
October 1, 2009.

