

SENATE BILL 305

E4

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By: **Senator Munson**

Introduced and read first time: January 27, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Emergency Medical Services Provider Killed in Performance**
3 **of Duty – Flag Benefit for Family**

4 FOR the purpose of requiring the Secretary of State to issue a State flag to the family
5 of a professional or volunteer emergency medical services provider who is killed
6 in the performance of duty; requiring the flag to be presented to the family of
7 the deceased by the State Senator of the legislative district in which the
8 deceased resided or served; and generally relating to emergency medical
9 services providers.

10 BY repealing and reenacting, without amendments,
11 Article – Education
12 Section 13–516(a)(6)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 1–202(a) and (e)
18 Annotated Code of Maryland
19 (2003 Volume and 2009 Supplement)

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

22 **Article – Education**

23 13–516.

24 (a) (6) “Emergency medical services provider” means an individual
25 licensed or certified by the EMS Board as:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) A cardiac rescue technician;
- 2 (ii) An emergency medical dispatcher;
- 3 (iii) An emergency medical technician–basic;
- 4 (iv) An emergency medical technician–paramedic; or
- 5 (v) A first responder.

6 **Article – Public Safety**

7 1–202.

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

9 (2) (i) “Child” means a natural or adopted, legitimate or
10 illegitimate child or stepchild of the decedent.

11 (ii) “Child” includes a child or stepchild born posthumously.

12 (3) “Correctional officer” has the meaning stated in § 8–201(e)(1) of the
13 Correctional Services Article.

14 **(4) “EMERGENCY MEDICAL SERVICES PROVIDER” HAS THE**
15 **MEANING STATED IN § 13–516 OF THE EDUCATION ARTICLE.**

16 **[(4) (5)** “Hazardous material” means any substance regulated as a
17 hazardous material under Title 49 of the Code of Federal Regulations.

18 **[(5) (6)** “Hazardous material response team employee” means an
19 employee of the Department of the Environment who is on call 24 hours a day to
20 provide emergency response to a discharge of oil or a release of hazardous material or
21 other emergency response activity.

22 **[(6) (7)** (i) “Law enforcement officer” has the meaning stated in §
23 3–101 of this article.

24 (ii) “Law enforcement officer” includes:

25 1. an officer who serves in a probationary status; and

26 2. an officer who serves at the pleasure of the appointing
27 authority of a county or municipal corporation.

1 **[(7)] (8)** “Performance of duties” includes, in the case of a volunteer
2 or career firefighter, public safety aviation employee, rescue squad member, or
3 hazardous material response team employee:

4 (i) actively participating in fighting a fire;

5 (ii) going to or from a fire;

6 (iii) performing other duties necessary to the operation or
7 maintenance of the fire company;

8 (iv) actively participating in the ambulance, advanced life
9 support, or rescue work of an advanced life support unit or a fire, ambulance, or rescue
10 company, including going to or from an emergency or rescue;

11 (v) providing emergency or rescue assistance, whether acting
12 alone or at the direction of or with a fire, ambulance, or rescue company or advanced
13 life support unit;

14 (vi) actively participating in flight operations as a crew member
15 in a rotary or fixed wing aircraft; and

16 (vii) providing emergency response to a discharge of oil or a
17 release of hazardous material or other emergency response activity.

18 **[(8)] (9)** “Public safety aviation employee” includes a pilot and
19 aviation maintenance technician employed by the State.

20 **[(9)] (10)** “Stepchild” means a child of the surviving spouse who was
21 living with or dependent for support on the decedent at the time of the decedent’s
22 death.

23 (e) (1) The Secretary of State shall issue a State flag to the family of a
24 firefighter, policeman, member of the military, [or] sworn member of the office of State
25 Fire Marshal, **OR PROFESSIONAL OR VOLUNTEER EMERGENCY MEDICAL**
26 **SERVICES PROVIDER** who is killed in the performance of duty.

27 (2) (i) Except when the deceased is a member of the military, the
28 flag shall be presented to the family of the deceased by the State Senator of the
29 legislative district in which the deceased resided or served.

30 (ii) When the deceased is a member of the military, the flag
31 shall be presented to the family of the deceased by the Department of Veterans
32 Affairs.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.