

## **Chapter 272**

**(Senate Bill 305)**

AN ACT concerning

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

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

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

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

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

#### **Article – Education**

13–516.

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

- (i) A cardiac rescue technician;
- (ii) An emergency medical dispatcher;
- (iii) An emergency medical technician–basic;
- (iv) An emergency medical technician–paramedic; or

- (v) A first responder.

### Article – Public Safety

1–202.

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

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

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

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

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

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

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

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

(ii) “Law enforcement officer” includes:

1. an officer who serves in a probationary status; and
2. an officer who serves at the pleasure of the appointing authority of a county or municipal corporation.

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

- (i) actively participating in fighting a fire;
- (ii) going to or from a fire;

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 4, 2010.**