

SENATE BILL 546

D3, J1

(5lr2386)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Klausmeier, Astle, Cassilly, DeGrange, Eckardt, Feldman, Ferguson, Jennings, and Middleton**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Immunity From Liability – Emergency Medical Care for Drug**
3 **Overdose**

4 FOR the purpose of providing immunity from civil liability for a certain person
5 administering *certain* medications or treatment in response to an apparent drug
6 overdose if the person is ~~trained and certified~~ *licensed or certified as an emergency*
7 *medical services provider by the State Emergency Medical Services Board and is*
8 *authorized to administer the medications and treatment under certain protocols, or*
9 *is certified to administer the medications and treatment* under certain protocols
10 established by the Secretary of Health and Mental Hygiene *or the Maryland State*
11 *Police Medical Director*; extending immunity under this Act to a corporation under
12 certain circumstances; providing for the application of this Act; and generally
13 relating to civil liability for acts or omissions in giving emergency medical care.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
2 Article – Courts and Judicial Proceedings
3 Section 5–603
4 Annotated Code of Maryland
5 (2013 Replacement Volume and 2014 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 5–603.

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

12 (1) The act or omission is not one of gross negligence;

13 (2) The assistance or medical care is provided without fee or other
14 compensation; and

15 (3) The assistance or medical care is provided:

16 (i) At the scene of an emergency;

17 (ii) In transit to a medical facility; or

18 (iii) Through communications with personnel providing emergency
19 assistance.

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

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

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

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

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

30 (iii) Is certified or licensed by this State as an emergency medical
31 services provider; **OR**

1 (IV) IS ADMINISTERING MEDICATIONS OR TREATMENT
 2 APPROVED FOR USE IN RESPONSE TO AN APPARENT DRUG OVERDOSE AND THE
 3 MEMBER IS:

4 1. LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL
 5 SERVICES PROVIDER BY THE STATE EMERGENCY MEDICAL SERVICES BOARD AND
 6 AUTHORIZED TO ADMINISTER THE MEDICATIONS AND TREATMENT UNDER
 7 PROTOCOLS ESTABLISHED BY THE STATE EMERGENCY MEDICAL SERVICES BOARD;

8 2. CERTIFIED TO ADMINISTER THE MEDICATIONS AND
 9 TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF HEALTH AND
 10 MENTAL HYGIENE; OR

11 3. CERTIFIED TO ADMINISTER THE MEDICATIONS AND
 12 TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE MARYLAND STATE POLICE
 13 MEDICAL DIRECTOR;

14 (3) ~~A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER~~
 15 ~~FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT~~
 16 ~~AGENCY, OR A CORPORATE FIRE DEPARTMENT ADMINISTERING MEDICATIONS OR~~
 17 ~~TREATMENT IN RESPONSE TO AN APPARENT DRUG OVERDOSE IF THE MEMBER IS~~
 18 ~~TRAINED AND CERTIFIED UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF~~
 19 ~~HEALTH AND MENTAL HYGIENE TO ADMINISTER MEDICATIONS AND TREATMENT~~
 20 ~~APPROVED FOR USE IN RESPONSE TO A DRUG OVERDOSE;~~

21 ~~(4)~~ A volunteer fire department or ambulance and rescue squad whose
 22 members have immunity; and

23 ~~[(4)] (5)~~ A corporation when its fire department personnel are immune
 24 under paragraph (2) ~~OR PARAGRAPH (3)~~ of this subsection.

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

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

29 (2) The assistance or aid is provided without fee or other compensation;
 30 and

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

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
2 apply only prospectively and may not be applied or interpreted to have any effect on or
3 application to any cause of action arising before the effective date of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.