

SENATE BILL 723

D3

6lr3111
CF 6lr1395

By: **Senator Young**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Immunity From Liability – Entering a Property to Provide**
3 **Emergency Assistance or Medical Care**

4 FOR the purpose of providing immunity from civil liability for a certain person entering a
5 property or gaining access to a property in order to provide emergency assistance or
6 medical care under certain circumstances; making certain stylistic changes; and
7 generally relating to immunity from civil liability for providing emergency assistance
8 or medical care.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 5–603
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2015 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 5–603.

18 **(A) SUBSECTIONS (B) AND (C) OF THIS SECTION APPLY TO THE FOLLOWING:**

19 **(1) AN INDIVIDUAL WHO IS LICENSED BY THIS STATE TO PROVIDE**
20 **MEDICAL CARE;**

21 **(2) A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER**
22 **FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT**
23 **AGENCY, THE NATIONAL SKI PATROL SYSTEM, OR A CORPORATE FIRE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 DEPARTMENT RESPONDING TO A CALL OUTSIDE OF ITS CORPORATE PREMISES, IF
2 THE MEMBER:

3 (I) HAS COMPLETED AN AMERICAN RED CROSS COURSE IN
4 ADVANCED FIRST AID AND HAS A CURRENT CARD SHOWING THAT STATUS;

5 (II) HAS COMPLETED AN EQUIVALENT OF AN AMERICAN RED
6 CROSS COURSE IN ADVANCED FIRST AID, AS DETERMINED BY THE SECRETARY OF
7 HEALTH AND MENTAL HYGIENE;

8 (III) IS CERTIFIED OR LICENSED BY THIS STATE AS AN
9 EMERGENCY MEDICAL SERVICES PROVIDER; OR

10 (IV) IS ADMINISTERING MEDICATIONS OR TREATMENT
11 APPROVED FOR USE IN RESPONSE TO AN APPARENT DRUG OVERDOSE AND THE
12 MEMBER IS:

13 1. LICENSED OR CERTIFIED AS AN EMERGENCY
14 MEDICAL SERVICES PROVIDER BY THE STATE EMERGENCY MEDICAL SERVICES
15 BOARD AND AUTHORIZED TO ADMINISTER THE MEDICATIONS AND TREATMENT
16 UNDER PROTOCOLS ESTABLISHED BY THE STATE EMERGENCY MEDICAL SERVICES
17 BOARD;

18 2. CERTIFIED TO ADMINISTER THE MEDICATIONS AND
19 TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF HEALTH
20 AND MENTAL HYGIENE; OR

21 3. CERTIFIED TO ADMINISTER THE MEDICATIONS AND
22 TREATMENT UNDER PROTOCOLS ESTABLISHED BY THE MARYLAND STATE POLICE
23 MEDICAL DIRECTOR;

24 (3) A VOLUNTEER FIRE DEPARTMENT OR AMBULANCE AND RESCUE
25 SQUAD WHOSE MEMBERS HAVE IMMUNITY; AND

26 (4) A CORPORATION WHEN ITS FIRE DEPARTMENT PERSONNEL ARE
27 IMMUNE UNDER PARAGRAPH (2) OF THIS SUBSECTION.

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

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

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

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

2 (i) At the scene of an emergency;

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

4 (iii) Through communications with personnel providing emergency
5 assistance.

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

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

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

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

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

16 (iii) Is certified or licensed by this State as an emergency medical
17 services provider; or

18 (iv) Is administering medications or treatment approved for use in
19 response to an apparent drug overdose and the member is:

20 1. Licensed or certified as an emergency medical services
21 provider by the State Emergency Medical Services Board and authorized to administer the
22 medications and treatment under protocols established by the State Emergency Medical
23 Services Board;

24 2. Certified to administer the medications and treatment
25 under protocols established by the Secretary of Health and Mental Hygiene; or

26 3. Certified to administer the medications and treatment
27 under protocols established by the Maryland State Police Medical Director;

28 (3) A volunteer fire department or ambulance and rescue squad whose
29 members have immunity; and

30 (4) A corporation when its fire department personnel are immune under
31 paragraph (2) of this subsection.]

1 **(C) A PERSON IS NOT CIVILLY LIABLE FOR ENTERING A PROPERTY OR FOR**
2 **ANY ACT NECESSARY TO ENTER A PROPERTY IN ORDER TO PROVIDE ASSISTANCE OR**
3 **MEDICAL CARE IF:**

4 **(1) THE ACT IS NOT ONE OF GROSS NEGLIGENCE; AND**

5 **(2) THE PERSON IS RESPONDING TO A 9-1-1 CALL FOR EMERGENCY**
6 **ASSISTANCE.**

7 **[(c)] (D)** An individual who is not covered otherwise by this section is not civilly
8 liable for any act or omission in providing assistance or medical aid to a victim at the scene
9 of an emergency, if:

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

11 (2) The assistance or aid is provided without fee or other compensation;
12 and

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2016.