

# SENATE BILL 311

J1, D3

EMERGENCY BILL  
(PRE-FILED)

1r1382  
CF HB 25

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By: **Senator Hettleman**

Requested: October 31, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Catastrophic Health Emergencies – Health Care Providers – Definition and**  
3 **Immunity**  
4 **(Maryland Health Care Heroes Protection Act)**

5 FOR the purpose of altering the definition of “health care provider” for purposes of certain  
6 provisions of law governing catastrophic health emergencies to include an employee,  
7 an agent, or a contractor of a health care facility who provides or assists in the  
8 provision of health care services; specifying the acts and omissions for which and  
9 altering the circumstances under which a health care provider has civil and criminal  
10 immunity related to a catastrophic health emergency; requiring that the immunity  
11 apply to any act or omission by a health care provider that is directly or indirectly  
12 related to a catastrophic health emergency proclamation; establishing that a court’s  
13 denial or grant of a health care provider’s motion to apply the immunity is  
14 immediately appealable; altering a certain definition; providing for the application  
15 of this Act; making this Act an emergency measure; and generally relating to health  
16 care providers and catastrophic health emergencies.

17 BY repealing and reenacting, with amendments,  
18 Article – Public Safety  
19 Section 14–3A–01(e) and 14–3A–06  
20 Annotated Code of Maryland  
21 (2018 Replacement Volume and 2020 Supplement)

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

24 **Article – Public Safety**

25 14–3A–01.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(e) “Health care provider” means:

(1) a health care facility as defined in § 19–114(d)(1) of the Health –  
General Article;

(2) a health care practitioner as defined in § 19–114(e) of the Health –  
General Article; [and]

(3) an individual licensed or certified as an emergency medical services  
provider under § 13–516 of the Education Article; AND

**(4) AN EMPLOYEE, AN AGENT, OR A CONTRACTOR OF A HEALTH CARE  
FACILITY WHO PROVIDES OR ASSISTS IN THE PROVISION OF HEALTH CARE  
SERVICES.**

14–3A–06.

**(A) A health care provider is immune from civil or criminal liability [if the health  
care provider acts in good faith and under] FOR ANY ACT OR OMISSION COMMITTED IN  
FURTHERANCE OF PROVIDING OR ASSISTING IN THE PROVISION OF HEALTH CARE  
SERVICES RESULTING FROM a catastrophic health emergency proclamation IF:**

**(1) THE HEALTH CARE PROVIDER COMMITTED THE ACT OR OMISSION  
IN GOOD FAITH; AND**

**(2) THE ACT OR OMISSION WAS COMMITTED DURING A  
CATASTROPHIC HEALTH EMERGENCY OR WITHIN 180 DAYS AFTER THE  
TERMINATION OF THE CATASTROPHIC HEALTH EMERGENCY.**

**(B) SUBSECTION (A) OF THIS SECTION SHALL APPLY TO ANY ACT OR  
OMISSION COMMITTED BY A HEALTH CARE PROVIDER THAT IS DIRECTLY OR  
INDIRECTLY RELATED TO A CATASTROPHIC HEALTH EMERGENCY PROCLAMATION.**

**(C) A COURT’S DENIAL OR GRANT OF A HEALTH CARE PROVIDER’S MOTION  
TO APPLY THE IMMUNITY CONFERRED UNDER THIS SECTION SHALL BE  
IMMEDIATELY APPEALABLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
apply retroactively and shall be applied to and interpreted to affect health care provider  
civil and criminal immunity for any act or omission committed in furtherance of providing  
or assisting in the provision of health care services resulting from a catastrophic health  
emergency occurring on or after March 5, 2020.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
measure, is necessary for the immediate preservation of the public health or safety, has

1 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
2 each of the two Houses of the General Assembly, and shall take effect from the date it is  
3 enacted.