

Chapter 359

(Senate Bill 546)

AN ACT concerning

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

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

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

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

Article – Courts and Judicial Proceedings

5–603.

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

- (1) The act or omission is not one of gross negligence;
- (2) The assistance or medical care is provided without fee or other compensation; and
- (3) The assistance or medical care is provided:
 - (i) At the scene of an emergency;
 - (ii) In transit to a medical facility; or

(iii) Through communications with personnel providing emergency assistance.

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

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

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

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

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

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

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

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

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

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

~~(3) A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT AGENCY, OR A CORPORATE FIRE DEPARTMENT ADMINISTERING MEDICATIONS OR TREATMENT IN RESPONSE TO AN APPARENT DRUG OVERDOSE IF THE MEMBER IS TRAINED AND CERTIFIED UNDER PROTOCOLS ESTABLISHED BY THE SECRETARY OF~~

~~HEALTH AND MENTAL HYGIENE TO ADMINISTER MEDICATIONS AND TREATMENT APPROVED FOR USE IN RESPONSE TO A DRUG OVERDOSE;~~

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

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

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

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

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

and

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

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

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

Approved by the Governor, May 12, 2015.