

SENATE BILL 213

E4
SB 461/12 – JPR

3r1142
CF 3r2069

By: **Senators Jacobs, Astle, Getty, Glassman, Kelley, Kittleman, Klausmeier, Montgomery, Muse, Peters, Pipkin, Reilly, Robey, and Simonaire**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Medical Services – Automated External Defibrillators – Immunity**
3 **from Liability**

4 FOR the purpose of providing immunity from civil liability to a certain individual who
5 uses an automated external defibrillator (AED) to provide certain assistance or
6 medical aid to a victim at the scene of an emergency under certain
7 circumstances; and generally relating to immunity from liability for use of an
8 AED.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 5–603
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2012 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 5–603.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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
5 emergency 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
10 Ski Patrol System, or a corporate fire department responding to a call outside of its
11 corporate premises, if the member:

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

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

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

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

21 (4) A corporation when its fire department personnel are immune
22 under paragraph (2) of this subsection.

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

26 (1) **(I)** The assistance or aid is provided in a reasonably prudent
27 manner;

28 **[(2)] (II)** The assistance or aid is provided without fee or other
29 compensation; and

30 **[(3)] (III)** The individual relinquishes care of the victim when someone
31 who is licensed or certified by this State to provide medical care or services becomes
32 available to take responsibility; **OR**

1 **(2) (I) THE ASSISTANCE OR AID IS PROVIDED BY USE OF AN**
2 **AUTOMATED EXTERNAL DEFIBRILLATOR;**

3 **(II) THE ASSISTANCE OR AID IS PROVIDED IN A**
4 **REASONABLY PRUDENT MANNER; AND**

5 **(III) THE INDIVIDUAL RELINQUISHES CARE OF THE VICTIM**
6 **WHEN SOMEONE WHO IS LICENSED OR CERTIFIED BY THIS STATE TO PROVIDE**
7 **MEDICAL CARE OR SERVICES BECOMES AVAILABLE TO TAKE RESPONSIBILITY.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2013.