

SENATE BILL 1099

J1, E4, P1

4lr0761

By: **Senators Smith, Gile, James, Rosapepe, Zucker, Salling, Muse, McKay, Carozza, Hettleman, Jackson, Kramer, Folden, King, Guzzone, Lam, Elfreth, Waldstreicher, and West**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Services – Automated External Defibrillator and Naloxone**
3 **Co–Location Initiative – Requirements for Public Buildings**

4 FOR the purpose of requiring the State Emergency Medical Services Board, in collaboration
5 with the Maryland Department of Health, to develop and implement an initiative
6 under the Public Access Automated External Defibrillator Program to require that
7 naloxone be co–located with each automated external defibrillator placed in a public
8 building; establishing a certain immunity from liability for owners and operators of
9 public buildings who provide and maintain naloxone under the initiative and for
10 individuals who administer naloxone made available under the initiative in response
11 to a known or suspected drug overdose; and generally relating to emergency services
12 and the availability of naloxone in public buildings.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 5–603
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 13–517
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2023 Supplement)

23 BY adding to
24 Article – Education
25 Section 13–518
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2022 Replacement Volume and 2023 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;

(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 1. Licensed or certified as an emergency medical services
2 provider by the State Emergency Medical Services Board and authorized to administer the
3 medications and treatment under protocols established by the State Emergency Medical
4 Services Board;

5 2. Certified to administer the medications and treatment
6 under protocols established by the Secretary of Health; or

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

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

11 (4) A corporation when its fire department personnel are immune under
12 item (2) of this subsection.

13 (c) **(1)** An individual who is not covered otherwise by this section is not civilly
14 liable for any act or omission in providing assistance or medical aid to a victim at the scene
15 of an emergency, if:

16 **[(1)] (I)** The assistance or aid is provided in a reasonably prudent
17 manner;

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

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

23 **(2) THE IMMUNITY FROM CIVIL LIABILITY UNDER PARAGRAPH (1) OF**
24 **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHEN ADMINISTERING NALOXONE IN**
25 **RESPONSE TO A KNOWN OR SUSPECTED DRUG OVERDOSE.**

26 Article – Education

27 13–517.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) “Automated external defibrillator (AED)” means a medical heart
30 monitor and defibrillator device that:

31 (i) Is cleared for market by the federal Food and Drug
32 Administration;

(ii) Recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(iii) Determines, without intervention by an operator, whether defibrillation should be performed;

(iv) On determining that defibrillation should be performed, automatically charges; and

(v) 1. Requires operator intervention to deliver the electrical impulse; or

2. Automatically continues with delivery of electrical impulse.

(3) "Certificate" means a certificate issued by the EMS Board to a registered facility.

(4) (i) "Facility" means an agency, an association, a corporation, a firm, a partnership, or any other entity.

(ii) "Facility" does not include a grocery store or restaurant that is subject to § 21-330.3 of the Health – General Article.

(5) "Jurisdictional emergency medical services operational program" means the institution, agency, corporation, or other entity that has been approved by the EMS Board to provide oversight of emergency medical services for each of the local government and State and federal emergency medical services programs.

(6) "Program" means the Public Access Automated External Defibrillator Program.

(7) "Regional administrator" means the individual employed by the Institute as regional administrator in each EMS region.

(8) "Regional council" means an EMS advisory body as created by the Code of Maryland Regulations 30.05.

(9) "Regional council AED committee" means a committee appointed by the regional council consisting of:

(i) The regional medical director;

(ii) The regional administrator; and

(iii) Three or more individuals with knowledge of and expertise in AEDs.

(10) “Registered facility” means an organization, a business association, an agency, or any other entity that meets the requirements of the EMS Board for registering with the Program.

(b) (1) There is a Public Access Automated External Defibrillator Program.

(2) The purpose of the Program is to [coordinate]:

(I) **COORDINATE** an effective statewide public access defibrillation program; **AND**

(II) **IMPLEMENT THE INITIATIVE TO CO-LOCATE NALOXONE WITH AUTOMATED EXTERNAL DEFIBRILLATORS PLACED IN PUBLIC BUILDINGS, AS REQUIRED UNDER § 13-518 OF THIS SUBTITLE.**

(3) The Program shall be administered by the EMS Board.

(c) The EMS Board may:

(1) Adopt regulations for the administration of the Program;

(2) Issue and renew certificates to facilities that meet the requirements of this section;

(3) Deny, suspend, revoke, or refuse to renew the certificate of a registered facility for failure to meet the requirements of this section;

(4) Approve educational and training programs required under this section that:

(i) Are conducted by any private or public entity;

(ii) Include training in cardiopulmonary resuscitation and automated external defibrillation; and

(iii) May include courses from nationally recognized entities such as the American Heart Association, the American Red Cross, and the National Safety Council;

(5) Approve the protocol for the use of an AED; and

(6) Delegate to the Institute any portion of its authority under this section.

(d) (1) Each facility that desires to make automated external defibrillation available shall possess a valid certificate from the EMS Board.

(2) This subsection does not apply to:

(i) A jurisdictional emergency medical services operational program;

(ii) A licensed commercial ambulance service;

(iii) A health care facility as defined in § 19–114 of the Health – General Article; or

(iv) A place of business for health care practitioners who are licensed as dentists under Title 4 of the Health Occupations Article or as physicians under Title 14 of the Health Occupations Article and are authorized to use an AED in accordance with that license.

(e) To qualify for a certificate a facility shall:

(1) Comply with the written protocol approved by the EMS Board for the use of an AED which includes notification of the emergency medical services system through the use of the 911 universal emergency access number as soon as possible on the use of an AED;

(2) Have established automated external defibrillator maintenance, placement, operation, reporting, and quality improvement procedures as required by the EMS Board;

(3) Maintain each AED and all related equipment and supplies in accordance with the standards established by the device manufacturer and the federal Food and Drug Administration; [and]

(4) Ensure that each individual who is expected to operate an AED for the registered facility has successfully completed an educational training course and refresher training as required by the EMS Board; AND

(5) IF THE FACILITY IS A PUBLIC BUILDING, MEET ANY REQUIREMENTS ESTABLISHED UNDER § 13–518 OF THIS SUBTITLE RELATING TO THE CO–LOCATION OF NALOXONE WITH EACH AED MAINTAINED IN THE FACILITY.

(f) A registered facility shall report the use of an AED to the Institute for review by the regional council AED committee.

(g) A facility that desires to establish or renew a certificate shall:

1 (1) Submit an application on the form that the EMS Board requires; and

2 (2) Meet the requirements under this section.

3 (h) (1) The EMS Board shall issue a new or a renewed certificate to a facility
4 that meets the requirements of this section.

5 (2) Each certificate shall include:

6 (i) The type of certificate;

7 (ii) The full name and address of the facility;

8 (iii) A unique identification number; and

9 (iv) The dates of issuance and expiration of the certificate.

10 (3) A certificate is valid for 3 years.

11 (i) The EMS Board may issue a cease and desist order or obtain injunctive relief
12 if a facility makes automated external defibrillation available in violation of this section.

13 (j) (1) In addition to any other immunities available under statutory or
14 common law, a registered facility is not civilly liable for any act or omission in the provision
15 of automated external defibrillation if the registered facility:

16 (i) Has satisfied the requirements for making automated external
17 defibrillation available under this section; and

18 (ii) Possesses a valid certificate at the time of the act or omission.

19 (2) In addition to any other immunities available under statutory or
20 common law, a member of the regional council AED committee is not civilly liable for any
21 act or omission in the provision of automated external defibrillation.

22 (3) In addition to any other immunities available under statutory or
23 common law, an individual is not civilly liable for any act or omission if:

24 (i) The individual is acting in good faith while rendering automated
25 external defibrillation to a person who is a victim or reasonably believed by the individual
26 to be a victim of a sudden cardiac arrest;

27 (ii) The assistance or aid is provided in a reasonably prudent
28 manner; and

29 (iii) The automated external defibrillation is provided without fee or
30 other compensation.

(4) The immunities in this subsection are not available if the conduct of the registered facility or an individual amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(5) This subsection does not affect, and may not be construed as affecting, any immunities from civil or criminal liability or defenses established by any other provision of the Code or by common law to which a registered facility, a member of the regional council AED committee, or an individual may be entitled.

(k) (1) A registered facility aggrieved by a decision of the Institute acting under the delegated authority of the EMS Board under this section shall be afforded an opportunity for a hearing before the EMS Board.

(2) A registered facility aggrieved by a decision of the EMS Board under this section shall be afforded an opportunity for a hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

13-518.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AUTOMATED EXTERNAL DEFIBRILLATOR (AED)” HAS THE MEANING STATED IN § 13-517 OF THIS SUBTITLE.

(3) “NALOXONE” MEANS THE MEDICATION APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE REVERSAL OF A KNOWN OR SUSPECTED OPIOID OVERDOSE.

(4) “PUBLIC BUILDING” MEANS:

(I) A PUBLIC MASS TRANSPORTATION ACCOMMODATION, SUCH AS A TERMINAL OR STATION, THAT IS SUPPORTED BY PUBLIC FUNDS;

(II) AN IMPROVEMENT OF A PUBLIC AREA USED FOR GATHERING OR AMUSEMENT, INCLUDING A PUBLIC PARK OR RECREATION CENTER; OR

(III) A FACILITY THAT IS SUPPORTED BY PUBLIC FUNDS AND PRIMARILY USED TO PROVIDE SECONDARY OR HIGHER EDUCATION.

(B) (1) THE EMS BOARD, IN COLLABORATION WITH THE MARYLAND DEPARTMENT OF HEALTH, SHALL DEVELOP AND IMPLEMENT AN INITIATIVE UNDER THE PUBLIC ACCESS AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM TO

1 REQUIRE THAT NALOXONE BE CO-LOCATED WITH EACH AUTOMATED EXTERNAL
2 DEFIBRILLATOR PLACED IN A PUBLIC BUILDING.

3 (2) THE INITIATIVE DEVELOPED UNDER PARAGRAPH (1) OF THIS
4 SUBSECTION SHALL ENSURE THAT UP TO TWO DOSES OF NALOXONE ARE
5 MAINTAINED IN A LOCATION THAT:

6 (I) IS VISIBLE AND IN CLOSE PHYSICAL PROXIMITY TO THE
7 AUTOMATED EXTERNAL DEFIBRILLATOR; AND

8 (II) HAS A LABEL THAT CLEARLY INDICATES TO THE PUBLIC
9 THE AVAILABILITY OF NALOXONE.

10 (3) THE INITIATIVE DEVELOPED UNDER PARAGRAPH (1) OF THIS
11 SUBSECTION SHALL BE FUNDED IN THE SAME MANNER AS THE PUBLIC ACCESS
12 AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM.

13 (C) (1) THE OWNER OR OPERATOR OF A PUBLIC BUILDING IS NOT CIVILLY
14 LIABLE FOR ANY ACT OR OMISSION IN THE PROVISION AND MAINTENANCE OF
15 NALOXONE UNDER THE INITIATIVE DEVELOPED UNDER SUBSECTION (B)(1) OF THIS
16 SECTION IF THE OWNER OR OPERATOR HAS SATISFIED ANY REQUIREMENTS
17 ESTABLISHED FOR PROVIDING AND MAINTAINING NALOXONE UNDER THE
18 INITIATIVE.

19 (2) AN INDIVIDUAL WHO ADMINISTERS NALOXONE MADE AVAILABLE
20 UNDER THE INITIATIVE DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION
21 IN RESPONSE TO A KNOWN OR SUSPECTED DRUG OVERDOSE SHALL HAVE IMMUNITY
22 FROM CIVIL LIABILITY AS PROVIDED IN § 5-603 OF THE COURTS ARTICLE.

23 (D) THE EMS BOARD AND THE MARYLAND DEPARTMENT OF HEALTH
24 JOINTLY SHALL ADOPT REGULATIONS THAT:

25 (1) ESTABLISH GUIDELINES FOR PERIODIC INSPECTIONS AND
26 MAINTENANCE OF THE NALOXONE PLACED IN PUBLIC BUILDINGS; AND

27 (2) ASSIST THE ADMINISTRATORS OF EACH PUBLIC BUILDING IN
28 CARRYING OUT THE PROVISIONS OF THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2024.