



House Bill 898

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

MACo Position: **SUPPORT**

To: Judiciary Committee

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From: Natasha Mehu and Robin J. Clark

The Maryland Association of Counties (MACo) **SUPPORTS** HB 898, MACo's initiative legislation to reduce overdose-related deaths by providing civil immunity protections to properly trained law enforcement and emergency medical services responding to a drug overdose. Helpful amendments will be sought by other stakeholders to clarify the beneficial intent of the bill, and MACo also supports these amendments.

Opioids, heroin in particular, continue to be a serious threat to public health and public safety across the state. Despite recent efforts to curb their abuse, drug-related deaths continue to rise. According to a June 2014 Department of Health and Mental Hygiene Report, in 2013 there were 464 heroin-related deaths. That represents an 18% increase between 2012 and 2013 and an 88% increase since 2011. Maryland needs to respond to these terrifying trends.

Law enforcement or emergency medical services are often the first to arrive on the scene of a drug overdose. Therefore, strides have been made to train and equip law enforcement and first responders with naloxone, a life-saving medication that reverses an opioid overdose by restoring the breathing of a person who has overdosed on heroin or prescription opioid such as oxycodone or morphine. HB 898 incorporates immunity protections for law enforcement and first responders trained and authorized to administer the medicine to an individual experiencing or believed to be experiencing a drug overdose.

HB 898 contributes to the State's efforts to curb opioid abuse by ensuring that a first responder acting dutifully, responsibly, and in good faith to administer care during an overdose is not open to litigious action for the emergency care they provided. So long as that care is not grossly negligent and is delivered by a first responder with the proper training, the bill serves as a mechanism to help encourage the first responder to take action and provide assistance without that additional worry.

The protections offered within the bill are not unprecedented. They are based on a number of immunities listed under subtitle 6 of the courts and judicial proceedings article in Maryland Annotated Code. These include but are not limited to: § 5-610 *Law enforcement officer assisting victim of spousal assault*; § 5-610.1 *Law enforcement officer enforcing out-of-state order for protection from domestic violence*; and § 5-629 *Person administering drug or vaccine*. Additionally, HB 898 puts Maryland in line with other states which set immunity parameters within their state codes for certain individuals administering naloxone or responding to a drug overdose.

MACo has been approached by the Department of Health and Mental Hygiene (DHMH) and the Maryland Institute for Emergency Medical Systems (MIEMSS) with beneficial amendments. While MACo supports the bill as introduced, counties agree with the amendments and consider them to be friendly. The first amendment ensures that EMS personnel, which function under protocols approved by the EMS board, are covered under the bill's provisions. The second amendment removes the specification of training protocols established by DHMH. This allows for flexibility as new training models are explored that better support law enforcement agencies.

There is, properly, a bipartisan statewide and nationwide effort to combat the scourge of heroin and reduce overdose deaths. As one part of this effort, appropriate civil immunity protections should be in place for law enforcement and first responders who are taking the initiative to be trained and certified to carry and administer life-saving treatment for an overdose. For these reasons, MACo urges a **FAVORABLE** report on HB 898, and welcomes the friendly amendments from state agency stakeholders.