



Senate Bill 546

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

MACo Position: **SUPPORT**

To: Judiciary Committee

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From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** SB 546, 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. This bill is identical to a bill passed favorably with amendments by the Committee and **MACo supports conforming SB 546 to the amended version of HB 368 as passed by Committee and the House earlier this session.**

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. SB 546 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.

SB 546 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, SB 546 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.

SB 546 is identical to HB 368 as originally introduced and heard by the Committee. The Committee adopted helpful amendments to HB 368 that clarified the beneficial intent of the bill by specifying the entities under which first responders must be trained and certified to be covered by the immunity protections established by the bill. Under the amendments, emergency medical services (EMS) personnel must be licensed or certified by the State Emergency Medical Services board and authorized to administer medication or treatment under their protocols. Law enforcement and other first responders must be certified under protocols established by the Secretary of Health and Mental Hygiene or the Maryland State Police Medical Director to administer medication and treatment. While MACo supports SB 546 as introduced, counties agree with the committee amendments on HB 368 and consider them friendly for SB 546.

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 SB 546, and welcomes friendly amendments from the committee.