

WHEREAS, The contributions of programs, activities, and services to communities are diminished and worthwhile programs, activities, and services are deterred by the unwillingness of individuals to serve as volunteers of certain associations or organizations; and

WHEREAS, It is in the public interest to strike a balance between the right of a person to seek redress for injury and the right of an individual to freely give time and energy without compensation as a volunteer in service to the community without fear of unlimited personal liability; and

WHEREAS, The provisions of this Act are intended to encourage volunteers to contribute their services for the good of their communities and at the same time provide a reasonable basis for redress of claims which may arise relating to those services; and

WHEREAS, Modification of several existing statutory provisions shielding volunteers and other persons from liability is necessary in order to provide greater consistency, clarification, and coverage; now, therefore,

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

Article – Courts and Judicial Proceedings

5-309.3.

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

(2) “Charitable organization” means an organization, INSTITUTION, ASSOCIATION, SOCIETY, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code [of 1954], except licensed hospitals.

(3) “COMPENSATION” DOES NOT INCLUDE ACTUAL AND NECESSARY EXPENSES THAT ARE INCURRED BY A VOLUNTEER OR PHYSICIAN IN CONNECTION WITH THE SERVICES PROVIDED OR THE DUTIES PERFORMED BY THE VOLUNTEER OR PHYSICIAN ON BEHALF OF A CHARITABLE ORGANIZATION, AND THAT ARE REIMBURSED TO THE VOLUNTEER OR PHYSICIAN OR OTHERWISE PAID.

(4) “HEALTH CARE PROVIDER” HAS THE SAME MEANING STATED IN § 3-2A-01 OF THE COURTS ARTICLE.

[(3)](5) “Physician” means any physician licensed to practice medicine in the State [of Maryland].

(6) “SUIT” MEANS ANY CIVIL ACTION, INCLUDING ANY HEALTH CARE MALPRACTICE ACTION FILED WITH THE HEALTH CLAIMS ARBITRATION OFFICE, BROUGHT AGAINST A VOLUNTEER OR PHYSICIAN OR A CHARITABLE ORGANIZATION BY VIRTUE OF THE VOLUNTEER’S OR PHYSICIAN’S ACT OR OMISSION IN PROVIDING SERVICES OR PERFORMING DUTIES ON BEHALF OF THE CHARITABLE ORGANIZATION.

[(4)](7) “Volunteer” means an officer, DIRECTOR, trustee, or other person who [performs] PROVIDES services [for] OR PERFORMS DUTIES ON BEHALF OF a charitable organization without receiving compensation.