

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 436

S. P. 159

In Senate, February 16, 1977

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Snowe of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Provide Civil and Criminal Immunity for Persons Participating
in Administering Medications.**

Be it enacted by the People of the State of Maine, as follows :

22 **MRSA** § 906 is amended by adding at the end a new sentence to read :

If, in the opinion of the Director of the Bureau of Health, the threatened epidemic or emergency requires public immunization, all persons administering the necessary vaccine, whether or not state employees, shall be immune from civil and criminal liability in the absence of gross negligence or malice.

STATEMENT OF FACT

At the present time there is fear of liability from volunteers and employees who may be called upon for the public good to administer shots and immunizations. The Swine Flu program provided the department with the opportunity to explore various laws and rules and regulations and nowhere is present a guarantee that the state will protect those who in good faith, and without malice or gross negligence, provide shots to the public. Some protection should be given in order to insure future cooperation when needed.