SB105

KIHF5AU-1

By Senators Singleton, Orr

RFD: County and Municipal Government

First Read: 15-Feb-24

SYNOPSIS:

Under existing law, when certain individuals, including any doctor or member of a rescue squad, law enforcement agency, or fire department, render gratuitous first aid or emergency care to an injured person at the scene of an accident, casualty, or disaster, that individual is not liable for civil damages as a result of any act or failure to act or care for the injured person.

This bill would include members of any community emergency response team within the list of persons protected from civil liability for rendering emergency care at the scene of an accident or disaster.

A BILL

TO BE ENTITLED

AN ACT

Relating to civil liability; to amend Section 6-5-332, Code of Alabama 1975, to limit the liability of members of community emergency response teams who render emergency care under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-5-332, Code of Alabama 1975, is

amended to read as follows:

"§6-5-332

(a) When any doctor of medicine or dentistry, nurse, member of any organized rescue squad, member of any police or fire department, member of any organized volunteer fire department, member of any community emergency response team, Alabama-licensed emergency medical technician, intern, or resident practicing in an Alabama hospital with training programs approved by the American Medical Association, Alabama state trooper, medical ~~aidman~~ aid functioning as a part of the military assistance to safety and traffic program, chiropractor, or public education employee gratuitously and in good faith, renders first aid or emergency care at the scene of an accident, casualty, or disaster to ~~a~~ an injured ~~person~~ individual ~~injured therein~~, he or she shall not be liable for any civil damages as a result of his or her acts or omissions in rendering first aid or emergency care, nor shall he or she be liable for any civil damages as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured ~~person~~ individual.

(b) Any member of the crew of a helicopter ~~which~~ that is used in the performance of military assistance to safety and traffic programs and is engaged in the performance of emergency medical service acts shall be exempt from personal liability for any property damages caused by helicopter downwash or by ~~persons~~ individuals disembarking from the helicopter.

(c) When any physician gratuitously advises medical

personnel at the scene of an emergency episode by direct voice contact, to render medical assistance based upon information received by voice or biotelemetry equipment, the actions ordered taken by the physician to sustain life or reduce disability shall not be considered liable when the actions are within the established medical procedures.

(d) Any ~~person~~ individual who is qualified by a federal or state agency to perform mine rescue planning and recovery operations, including mine rescue instructors and mine rescue team members, and any ~~person~~ individual designated by an operator furnishing a mine rescue team to supervise, assist in planning, or provide service thereto, who, in good faith, performs or fails to perform any act or service in connection with mine rescue planning and recovery operations shall not be liable for any civil damages as a result of any acts or omissions. Nothing contained in this subsection shall be construed to exempt from liability any ~~person~~ individual responsible for an overall mine rescue operation, including an operator of an affected facility and any ~~person~~ individual assuming responsibility therefor under federal or state statutes or regulations.

(e) ~~A person~~An individual or entity, who, in good faith, and without compensation renders emergency care or treatment to ~~a person~~ an individual suffering or appearing to suffer from cardiac arrest, which may include the use of an automated external defibrillator, shall be immune from civil liability for any personal injury as a result of care or treatment or as a result of any act or failure to act in

providing or arranging further medical treatment where the ~~person~~ individual acts as an ordinary prudent ~~person~~ individual would have acted under the same or similar circumstances, except damages that may result from the gross negligence of the ~~person~~ individual rendering emergency care. This immunity shall extend to the licensed physician or medical authority who is involved in automated external defibrillator site placement, the ~~person~~ individual who provides training in CPR and the use of the automated external defibrillator, and the ~~person~~ individual or entity responsible for the site where the automated external defibrillator is located. This subsection specifically excludes from ~~the provision of~~ immunity any designers, manufacturers, or sellers of automated external defibrillators for any claims that may be brought against such entities based upon current Alabama state law.

(f) Any licensed engineer, licensed architect, licensed surveyor, licensed contractor, licensed subcontractor, or other individual working under the direct supervision of the licensed individual who participates in emergency response activities under the direction of, or in connection with, a community emergency response team, county emergency management agency, the state emergency management agency, or the Federal Emergency Management Agency shall not be liable for any civil damages as a result of any acts, services, or omissions provided without compensation, in such capacity if the individual acts as a reasonably prudent ~~person~~ individual would have acted under the same or similar circumstances. The

immunity provided in this subsection shall apply to any acts, services, or omissions provided within 90 days after declaration of the emergency.

(g) Any ~~person~~ individual, who, in good faith, renders emergency care at the scene of an accident or emergency to the victim or victims thereof without making any charge of goods or services therefor shall not be liable for any civil damages as a result of any act or omission by the ~~person~~ individual in rendering emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured ~~person~~ individual if the individual acts as a reasonably prudent ~~person~~ individual would have acted under the same or similar circumstances."

Section 2. This act shall become effective October 1, 2024.