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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 FEMA-certified 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 FEMA-certified community emergency response teams who render emergency care under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



29 Section 1. Section 6-5-332, Code of Alabama 1975, is
30 amended to read as follows:

31 "§6-5-332

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

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



57 helicopter.

58 (c) When any physician gratuitously advises medical
59 personnel at the scene of an emergency episode by direct voice
60 contact, to render medical assistance based upon information
61 received by voice or biotelemetry equipment, the actions
62 ordered taken by the physician to sustain life or reduce
63 disability shall not be considered liable when the actions are
64 within the established medical procedures.

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

80 (e) ~~A person~~ An individual or entity, who, in good
81 faith, and without compensation renders emergency care or
82 treatment to ~~a person~~ an individual suffering or appearing to
83 suffer from cardiac arrest, which may include the use of an
84 automated external defibrillator, shall be immune from civil



85 liability for any personal injury as a result of care or
86 treatment or as a result of any act or failure to act in
87 providing or arranging further medical treatment where the
88 ~~person~~ individual acts as an ordinary prudent ~~person~~
89 individual would have acted under the same or similar
90 circumstances, except damages that may result from the gross
91 negligence of the ~~person~~ individual rendering emergency care.
92 This immunity shall extend to the licensed physician or
93 medical authority who is involved in automated external
94 defibrillator site placement, the ~~person~~ individual who
95 provides training in CPR and the use of the automated external
96 defibrillator, and the ~~person~~ individual or entity responsible
97 for the site where the automated external defibrillator is
98 located. This subsection specifically excludes from ~~the~~
99 ~~provision of~~ immunity any designers, manufacturers, or sellers
100 of automated external defibrillators for any claims that may
101 be brought against such entities based upon current Alabama
102 state law.

103 (f) Any licensed engineer, licensed architect, licensed
104 surveyor, licensed contractor, licensed subcontractor, or
105 other individual working under the direct supervision of the
106 licensed individual who participates in emergency response
107 activities under the direction of, or in connection with, a
108 community emergency response team certified by the Federal
109 Emergency Management Agency, county emergency management
110 agency, the state emergency management agency, or the Federal
111 Emergency Management Agency shall not be liable for any civil
112 damages as a result of any acts, services, or omissions



113 provided without compensation, in such capacity if the
114 individual acts as a reasonably prudent ~~person~~ individual
115 would have acted under the same or similar circumstances. The
116 immunity provided in this subsection shall apply to any acts,
117 services, or omissions provided within 90 days after
118 declaration of the emergency.

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

129 Section 2. This act shall become effective October 1,
130 2024.