

SB105 INTRODUCED



1 SB105
2 KIH55AU-1
3 By Senators Singleton, Orr
4 RFD: County and Municipal Government
5 First Read: 15-Feb-24



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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 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



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29 amended to read as follows:

30 "§6-5-332

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

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

56 (c) When any physician gratuitously advises medical



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

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

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



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

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



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

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

126 Section 2. This act shall become effective October 1,
127 2024.