

- 1 SB105
- 2 S6TQ885-2
- 3 By Senators Singleton, Orr
- 4 RFD: County and Municipal Government
- 5 First Read: 15-Feb-24

SB105 Engrossed



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6	A BILL
7	TO BE ENTITLED
8	AN ACT
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10	Relating to civil liability; to amend Section 6-5-332,
11	Code of Alabama 1975, to limit the liability of members of
12	FEMA-certified community emergency response teams who render
13	emergency care under certain conditions.
14	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
15	Section 1. Section 6-5-332, Code of Alabama 1975, is
16	amended to read as follows:
17	" \$6-5-332
18	(a) When any doctor of medicine or dentistry, nurse,
19	member of any organized rescue squad, member of any police or
20	fire department, member of any organized volunteer fire
21	department, member of any community emergency response team
22	certified by the Federal Emergency Management Agency,
23	Alabama-licensed emergency medical technician, intern, or
24	resident practicing in an Alabama hospital with training
25	programs approved by the American Medical Association, Alabama
26	state trooper, medical <mark>aidman</mark> <u>aid</u> functioning as a part of the
27	military assistance to safety and traffic program,
28	chiropractor, or public education employee gratuitously and in

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29 good faith, renders first aid or emergency care at the scene 30 of an accident, casualty, or disaster to a injured person 31 individual injured therein, he or she shall not be liable for 32 any civil damages as a result of his or her acts or omissions 33 in rendering first aid or emergency care, nor shall he or she 34 be liable for any civil damages as a result of any act or 35 failure to act to provide or arrange for further medical 36 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 <u>person individual</u> 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 <u>person individual</u> designated by an operator furnishing a mine rescue team to supervise, assist in planning, or provide service thereto, who, in good faith,



57 performs or fails to perform any act or service in connection 58 with mine rescue planning and recovery operations shall not be 59 liable for any civil damages as a result of any acts or 60 omissions. Nothing contained in this subsection shall be construed to exempt from liability any person individual 61 responsible for an overall mine rescue operation, including an 62 63 operator of an affected facility and any person individual 64 assuming responsibility therefor under federal or state 65 statutes or regulations.

(e) A personAn individual or entity, who, in good 66 67 faith, and without compensation renders emergency care or treatment to a person an individual suffering or appearing to 68 69 suffer from cardiac arrest, which may include the use of an automated external defibrillator, shall be immune from civil 70 71 liability for any personal injury as a result of care or treatment or as a result of any act or failure to act in 72 73 providing or arranging further medical treatment where the 74 person individual acts as an ordinary prudent person 75 individual would have acted under the same or similar 76 circumstances, except damages that may result from the gross 77 negligence of the person individual rendering emergency care. 78 This immunity shall extend to the licensed physician or 79 medical authority who is involved in automated external 80 defibrillator site placement, the person individual who 81 provides training in CPR and the use of the automated external defibrillator, and the person individual or entity responsible 82 for the site where the automated external defibrillator is 83 84 located. This subsection specifically excludes from the

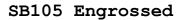
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85 provision of immunity any designers, manufacturers, or sellers 86 of automated external defibrillators for any claims that may 87 be brought against such entities based upon current Alabama 88 state law.

89 (f) Any licensed engineer, licensed architect, licensed 90 surveyor, licensed contractor, licensed subcontractor, or 91 other individual working under the direct supervision of the 92 licensed individual who participates in emergency response 93 activities under the direction of, or in connection with, a community emergency response team certified by the Federal 94 95 Emergency Management Agency, county emergency management 96 agency, the state emergency management agency, or the Federal 97 Emergency Management Agency shall not be liable for any civil 98 damages as a result of any acts, services, or omissions 99 provided without compensation, in such capacity if the individual acts as a reasonably prudent person individual 100 would have acted under the same or similar circumstances. The 101 102 immunity provided in this subsection shall apply to any acts, 103 services, or omissions provided within 90 days after 104 declaration of the emergency.

105 (g) Any person individual, who, in good faith, renders 106 emergency care at the scene of an accident or emergency to the 107 victim or victims thereof without making any charge of goods 108 or services therefor shall not be liable for any civil damages 109 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 110 to act to provide or arrange for further medical treatment or 111 112 care for the injured person individual if the individual acts





- 113 as a reasonably prudent person individual would have acted
- 114 under the same or similar circumstances."
- 115 Section 2. This act shall become effective October 1,
- 116 2024.



117 118 119 Senate

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120 Read for the first time and referred ......15-Feb-24
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   to the Senate committee on County
    and Municipal Government
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124
  on the calendar:
125
126
    0 amendments
127
128
   129
    as amended
130
        Yeas 34
131
        Nays 0
132
        Abstains 0
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                          Patrick Harris,
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                          Secretary.
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