

**SB105 ENGROSSED**



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



**SB105 Engrossed**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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:

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 certified by the Federal Emergency Management Agency, 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



## SB105 Engrossed

29 good faith, renders first aid or emergency care at the scene  
30 of an accident, casualty, or disaster to ~~a~~ an 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.

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

44 (c) When any physician gratuitously advises medical  
45 personnel at the scene of an emergency episode by direct voice  
46 contact, to render medical assistance based upon information  
47 received by voice or biotelemetry equipment, the actions  
48 ordered taken by the physician to sustain life or reduce  
49 disability shall not be considered liable when the actions are  
50 within the established medical procedures.

51 (d) Any ~~person~~ individual who is qualified by a federal  
52 or state agency to perform mine rescue planning and recovery  
53 operations, including mine rescue instructors and mine rescue  
54 team members, and any ~~person~~ individual designated by an  
55 operator furnishing a mine rescue team to supervise, assist in  
56 planning, or provide service thereto, who, in good faith,

SB105 Engrossed



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  
61 construed to exempt from liability any ~~person~~ individual  
62 responsible for an overall mine rescue operation, including an  
63 operator of an affected facility and any ~~person~~ individual  
64 assuming responsibility therefor under federal or state  
65 statutes or regulations.

66 (e) ~~A person~~ An individual or entity, who, in good  
67 faith, and without compensation renders emergency care or  
68 treatment to ~~a person~~ an individual suffering or appearing to  
69 suffer from cardiac arrest, which may include the use of an  
70 automated external defibrillator, shall be immune from civil  
71 liability for any personal injury as a result of care or  
72 treatment or as a result of any act or failure to act in  
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  
82 defibrillator, and the ~~person~~ individual or entity responsible  
83 for the site where the automated external defibrillator is  
84 located. This subsection specifically excludes from ~~the~~



## SB105 Engrossed

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  
94 community emergency response team certified by the Federal  
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  
100 individual acts as a reasonably prudent ~~person~~ individual  
101 would have acted under the same or similar circumstances. The  
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  
110 rendering emergency care or as a result of any act or failure  
111 to act to provide or arrange for further medical treatment or  
112 care for the injured ~~person~~ individual if the individual acts



## SB105 Engrossed

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.



**SB105 Engrossed**

117  
118  
119 Senate

120 Read for the first time and referred .....15-Feb-24  
121 to the Senate committee on County  
122 and Municipal Government

123  
124 Read for the second time and placed .....21-Feb-24  
125 on the calendar:  
126 0 amendments

127  
128 Read for the third time and passed .....27-Feb-24  
129 as amended  
130 Yeas 34  
131 Nays 0  
132 Abstains 0

133  
134  
135 Patrick Harris,  
136 Secretary.  
137