

**EXPANSION OF GOOD SAMARITAN ACT**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Richard M. Siddoway**

AN ACT RELATING TO HEALTH; EXTENDING IMMUNITY TO A TRAINED PERSON

WHO USES A FULLY ~~§ [AUTOMATIC]~~ **AUTOMATED** § EXTERNAL DEFIBRILLATOR IN AN

EMERGENCY

SITUATION § ; **AND PROVIDING A COORDINATING CLAUSE** § .

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**§ 26-8-7.5, as enacted by Chapter 90, Laws of Utah 1998 §**

**26-8-11, as last amended by Chapter 320, Laws of Utah 1990**

*Be it enacted by the Legislature of the state of Utah:*

**§ Section 1. Section 26-8-7.5 is amended to read:**

**26-8-7.5. Fully automated external defibrillator.**

**(1) "Basic emergency care training for cardiac arrest" means a course that:**

**(a) includes instruction on cardiopulmonary resuscitation and the operation and use of a fully ~~[automatic]~~ **AUTOMATED** external defibrillator; and**

**(b) is conducted in accordance with guidelines of the American Heart Association by a person**

**qualified by training or experience.**

**(2) Notwithstanding Section 26-8-7, a person who has received basic emergency care training**

**for cardiac arrest may provide cardiopulmonary resuscitation and use a fully ~~[automatic]~~**

**AUTOMATED external defibrillator without a license, certificate, designation, or permit issued under this chapter or Title 58, Occupations and Professions. §**

Section ~~§ [1]~~ **2** § . Section **26-8-11** is amended to read:

**26-8-11. Persons and activities exempt from civil liability.**

**(1) A licensed physician or licensed registered nurse who, § GRATUITOUSLY AND § in good faith, gives oral or**

**written instructions to certified basic or advanced life support personnel to provide emergency care**

16 authorized by this chapter is not liable for any civil damages as a result of issuing the instructions,

17 unless the instructions given were the result of gross negligence or willful misconduct.

18 (2) A basic or advanced life support person during training or after certification, a licensed  
19 physician, or a registered nurse who, § **GRATUITOUSLY AND** § in good faith, provides emergency  
19a medical instructions or  
20 renders emergency medical care authorized by this chapter is not liable for any civil damages as  
21 a result of any act or omission in providing the emergency medical instructions or medical care,  
22 unless the act or omission is the result of gross negligence or willful misconduct.

23 (3) A certified basic or advanced life support person is not subject to civil liability for  
24 failure to obtain consent in rendering emergency medical care authorized by this chapter to any  
25 individual who is unable to give his consent, regardless of the individual's age, where there is no  
26 other person present legally authorized to consent to emergency treatment, provided that such  
27 personnel act in good faith.

28 (4) A principal, agent, contractor, employee, or representative of an agency, organization,  
 29 institution, corporation, or entity of state or local government that sponsors, authorizes, supports,  
 30 finances, or supervises any functions of an emergency medical services person certified and  
 31 authorized pursuant to this chapter, including an advanced life support person, is not liable for any  
 32 civil damages for any act or omission in connection with such sponsorship, authorization, support,  
 33 finance, or supervision of such emergency medical services person where the act or omission  
 34 occurs in connection with that person's training or occurs outside a hospital where the life of a  
 35 patient is in immediate danger, unless the act or omission is inconsistent with the training of the  
 36 emergency medical services personnel, and unless the act or omission is the result of gross  
 37 negligence or willful misconduct.

38 (5) A physician who **§ GRATUITOUSLY AND §** in good faith arranges for, requests,  
 38a recommends, or initiates the  
 39 transfer of a patient from a hospital to a critical medical care facility in another hospital is not  
 40 liable for any civil damages as a result of such transfer where:

41 (a) sound medical judgment indicates that the patient's medical condition is beyond the  
 42 care capability of the transferring hospital or the medical community in which that hospital is  
 43 located; and

44 (b) the physician has secured an agreement from the transferee facility to accept and render  
 45 necessary treatment to the patient.

46 (6) A person who is a registered member of the National Ski Patrol System (NSPS) or a  
 47 member of a ski patrol who has completed a course in winter emergency care offered by the NSPS  
 48 combined with CPR for medical technicians offered by the American Red Cross or American  
 49 Heart Association, or an equivalent course of instruction, and who in good faith renders emergency  
 50 medical care is not liable for civil damages as a result of any act or omission in rendering the  
 51 emergency care, unless the act or omission is the result of gross negligence or willful misconduct.

52 (7) A person who is permitted to use a fully § [automatic] AUTOMATED § external  
 52a defibrillator because of  
 53 Section 26-8-7.5 is not liable for civil damages as a result of any act or omission related to the use  
 54 of the defibrillator in providing emergency medical care § GRATUITOUSLY AND IN GOOD FAITH §  
 54a to a person who reasonably appears to be  
 55 in cardiac arrest, unless the act or omission is the result of gross negligence or wilful misconduct.

**§ Section 3. Coordination clause.**

**IF THIS BILL AND S.B. 54, EMERGENCY MEDICAL SERVICES SYSTEMS ACT, BOTH PASS, IT IS THE INTENT OF THE LEGISLATURE THAT THE AMENDMENTS TO SECTION 26-8-11 IN THIS BILL BE INCORPORATED INTO SECTION 26-8a-601 IN S.B. 54. §**

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**Legislative Review Note**  
**as of 1-8-99 9:23 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**