

1 **EXPANSION OF GOOD SAMARITAN ACT**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Richard M. Siddoway**

5 AN ACT RELATING TO HEALTH; EXTENDING IMMUNITY TO A TRAINED PERSON
6 WHO USES A FULLY AUTOMATIC EXTERNAL DEFIBRILLATOR IN AN EMERGENCY
7 SITUATION.

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

9 AMENDS:

10 **26-8-11**, as last amended by Chapter 320, Laws of Utah 1990

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

12 Section 1. Section **26-8-11** is amended to read:

13 **26-8-11. Persons and activities exempt from civil liability.**

14 (1) A licensed physician or licensed registered nurse who, in good faith, gives oral or
15 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, in good faith, provides emergency 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 in good faith arranges for, requests, 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 external 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 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.

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