

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 1050 and 1051 (as introduced 4-15-98)

Sponsor: Senator Robert Geake (S.B. 1050)

Senator Dale L. Shugars (S.B. 1051)

Committee: Health Policy and Senior Citizens

Date Completed: 4-20-98

CONTENT

Senate Bill 1050 would amend the Good Samaritan law, and **Senate Bill 1051** would amend the Public Health Code, to provide immunity from liability for persons who treat certain patients or other individuals by using an automated external defibrillator.

Senate Bill 1050

The bill provides that an individual who had no duty to do so, who in good faith voluntarily rendered emergency services to another individual using an automated external defibrillator, would not be liable in a civil action for damages resulting from an act or omission in rendering the emergency services, except an act or omission that constituted gross negligence or willful and wanton misconduct. The bill would apply only to a civil action that was filed or pending on or after July 1, 1998.

Currently, the Good Samaritan law provides immunity from liability for persons who in good faith voluntarily render cardiopulmonary resuscitation to another person.

Senate Bill 1051

The bill provides that certain medical and emergency personnel who rendered services consisting of the use of an automated external defibrillator on an individual who was in, or was exhibiting symptoms of, cardiac distress would be immune from liability for the treatment, if the acts or omissions were consistent with the personnel's licensure or additional training required by the local medical control authority. The immunity would not apply if an act or omission were the result of gross negligence or willful misconduct. The bill would apply to the medical and emergency personnel who currently are immune from liability in the treatment of patients.

Currently, the Code contains a list of medical and emergency personnel who are immune from liability for the treatment of patients if the acts or omissions are consistent with the personnel's licensure or additional required training, unless an act or omission is the result of gross negligence or willful misconduct. The listed personnel include medical first responders, emergency medical technicians, emergency medical technician specialists, paramedics, and medical directors of medical control authorities. The immunity applies to services performed outside a hospital or in a hospital before a patient is transferred to hospital personnel.

MCL 691.1504 (S.B. 1050)
333.20965 (S.B. 1051)

Legislative Analyst: G. Towne

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: M. Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.