

SB105 ENROLLED



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



SB105 Enrolled

1 Enrolled, An Act,

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4 Relating to civil liability; to amend Section 6-5-332,
5 Code of Alabama 1975, to limit the liability of members of
6 FEMA-certified community emergency response teams who render
7 emergency care under certain conditions.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 6-5-332, Code of Alabama 1975, is
10 amended to read as follows:

11 "§6-5-332

12 (a) When any doctor of medicine or dentistry, nurse,
13 member of any organized rescue squad, member of any police or
14 fire department, member of any organized volunteer fire
15 department, member of any community emergency response team
16 certified by the Federal Emergency Management Agency,
17 Alabama-licensed emergency medical technician, intern, or
18 resident practicing in an Alabama hospital with training
19 programs approved by the American Medical Association, Alabama
20 state trooper, medical ~~aidman~~ aid functioning as a part of the
21 military assistance to safety and traffic program,
22 chiropractor, or public education employee gratuitously and in
23 good faith, renders first aid or emergency care at the scene
24 of an accident, casualty, or disaster to ~~a~~ an injured person
25 individual injured therein, he or she shall not be liable for
26 any civil damages as a result of his or her acts or omissions
27 in rendering first aid or emergency care, nor shall he or she
28 be liable for any civil damages as a result of any act or



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29 failure to act to provide or arrange for further medical
30 treatment or care for the injured ~~person~~ individual.

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

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

45 (d) Any ~~person~~ individual who is qualified by a federal
46 or state agency to perform mine rescue planning and recovery
47 operations, including mine rescue instructors and mine rescue
48 team members, and any ~~person~~ individual designated by an
49 operator furnishing a mine rescue team to supervise, assist in
50 planning, or provide service thereto, who, in good faith,
51 performs or fails to perform any act or service in connection
52 with mine rescue planning and recovery operations shall not be
53 liable for any civil damages as a result of any acts or
54 omissions. Nothing contained in this subsection shall be
55 construed to exempt from liability any ~~person~~ individual
56 responsible for an overall mine rescue operation, including an



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57 operator of an affected facility and any ~~person~~ individual
58 assuming responsibility therefor under federal or state
59 statutes or regulations.

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

83 (f) Any licensed engineer, licensed architect, licensed
84 surveyor, licensed contractor, licensed subcontractor, or



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

99 (g) Any ~~person~~ individual, who, in good faith, renders
100 emergency care at the scene of an accident or emergency to the
101 victim or victims thereof without making any charge of goods
102 or services therefor shall not be liable for any civil damages
103 as a result of any act or omission by the ~~person~~ individual in
104 rendering emergency care or as a result of any act or failure
105 to act to provide or arrange for further medical treatment or
106 care for the injured ~~person~~ individual if the individual acts
107 as a reasonably prudent ~~person~~ individual would have acted
108 under the same or similar circumstances."

109 Section 2. This act shall become effective October 1,
110 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB105
Senate 27-Feb-24
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 02-May-24

By: Senator Singleton