



# SENATE BILL No. 333

February 4, 1993, Introduced by Senators PRIDNIA, EHLERS,  
GEAKE, MC MANUS and WELBORN and referred to the  
Committee on Health Policy.

A bill to amend the title of Act No. 17 of the Public Acts  
of 1963, entitled as amended

"An act to relieve certain persons from civil liability when  
rendering emergency care, when rendering care to persons involved  
in competitive sports under certain circumstances, or when par-  
ticipating in a mass immunization program approved by the depart-  
ment of public health,"

as amended, being sections 691.1501 to 691.1507 of the Michigan  
Compiled Laws; and to add section 3.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. The title of Act No. 17 of the Public Acts of  
2 1963, as amended, being sections 691.1501 to 691.1507 of the  
3 Michigan Compiled Laws, is amended and section 3 is added to read  
4 as follows:

## 1 TITLE

2 An act to relieve certain persons from civil liability when  
3 rendering emergency care, when rendering care to persons involved  
4 in competitive sports under certain circumstances, or when  
5 ~~participating in a mass immunization program approved by the~~  
6 ~~department of public health~~ RENDERING UNCOMPENSATED CARE UNDER  
7 CERTAIN CIRCUMSTANCES.

8 SEC. 3. (1) SUBJECT TO SUBSECTION (2), A HEALTH CARE PRO-  
9 VIDER WHO PROVIDES MEDICAL OR DENTAL CARE TO A PATIENT WITHOUT  
10 RECEIVING DIRECT COMPENSATION FOR PROVIDING THE MEDICAL OR DENTAL  
11 CARE IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR  
12 OMISSIONS IN PROVIDING THE MEDICAL OR DENTAL CARE, UNLESS THE  
13 ACTS OR OMISSIONS WERE THE RESULT OF GROSS NEGLIGENCE OR WILLFUL  
14 AND WANTON MISCONDUCT.

15 (2) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION  
16 (1) APPLIES ONLY IF THE HEALTH CARE PROVIDER, BEFORE RENDERING  
17 THE MEDICAL OR DENTAL CARE, OBTAINS A STATEMENT SIGNED BY THE  
18 PATIENT OR, IF THE PATIENT IS A MINOR, BY THE MINOR'S PARENT,  
19 GUARDIAN, OR PERSON IN LOCO PARENTIS INDICATING BOTH OF THE  
20 FOLLOWING:

21 (A) THAT THE PERSON SIGNING THE STATEMENT KNOWS THAT THE  
22 HEALTH CARE PROVIDER IS PROVIDING THE MEDICAL OR DENTAL CARE  
23 WITHOUT RECEIVING DIRECT COMPENSATION.

24 (B) THAT THE PERSON SIGNING THE STATEMENT KNOWS THAT THE  
25 HEALTH CARE PROVIDER HAS LIMITED IMMUNITY FROM LIABILITY UNDER  
26 THIS SECTION.

1 (3) AS USED IN THIS SECTION:

2 (A) "DIRECT COMPENSATION" MEANS DIRECT RECEIPT OF PAYMENT  
3 FROM A PATIENT OR FROM A PUBLIC OR PRIVATE HEALTH CARE PAYMENT OR  
4 BENEFITS PLAN ON BEHALF OF THE PATIENT.

5 (B) "HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL LICENSED OR  
6 REGISTERED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, ACT  
7 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.16101 TO  
8 333.18838 OF THE MICHIGAN COMPILED LAWS.