

HOUSE BILL No. 4420

March 18, 1999, Introduced by Reps. Law, Richner, Rocca, Cassis, Faunce, Woronchak, Green, Mortimer, Koetje, Toy, DeVuyst, Kelly, LaForge, Jelinek, Howell, DeHart, Van Woerkom, Vear and Hager and referred to the Committee on Family and Civil Law.

A bill to amend 1963 PA 17, entitled

"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 participating in a mass immunization program approved by the department of public health,"

by amending section 4 (MCL 691.1504), as added by 1986 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) ~~A person~~ SUBJECT TO SUBSECTIONS (2) AND (5),
2 AN INDIVIDUAL who having no duty to do so in good faith volun-
3 tarily renders cardiopulmonary resuscitation to ~~a person, shall~~
4 ANOTHER INDIVIDUAL IS not ~~be~~ liable IN A CIVIL ACTION for
5 ~~civil~~ damages resulting from an act or omission in ~~the~~
6 rendering ~~of that~~ THE cardiopulmonary resuscitation, except an
7 act or omission ~~amounting to~~ THAT CONSTITUTES gross negligence
8 or ~~wilful~~ WILLFUL and wanton misconduct.

1 (2) Subsection (1) ~~shall apply~~ APPLIES only to ~~civil~~
2 ~~actions which are~~ A CIVIL ACTION THAT IS filed or pending on or
3 after May 1, 1986.

4 (3) SUBJECT TO SUBSECTIONS (4) AND (5), AN INDIVIDUAL WHO
5 MEETS EITHER OF THE FOLLOWING REQUIREMENTS AND WHO IN GOOD FAITH
6 VOLUNTARILY RENDERS EMERGENCY SERVICES TO ANOTHER INDIVIDUAL
7 USING AN AUTOMATED EXTERNAL DEFIBRILLATOR IS NOT LIABLE IN A
8 CIVIL ACTION FOR DAMAGES RESULTING FROM AN ACT OR OMISSION IN
9 RENDERING THE EMERGENCY SERVICES USING THE AUTOMATED EXTERNAL
10 DEFIBRILLATOR, EXCEPT AN ACT OR OMISSION THAT CONSTITUTES GROSS
11 NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT:

12 (A) HAS NO DUTY TO RENDER THE EMERGENCY SERVICES TO THE
13 OTHER INDIVIDUAL.

14 (B) HAS SUCCESSFULLY COMPLETED NOT LESS THAN 4 HOURS OF
15 TRAINING IN THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR. THE
16 TRAINING MUST BE APPROVED BY THE DEPARTMENT OF CONSUMER AND
17 INDUSTRY SERVICES AND OFFERED OR APPROVED BY THE AMERICAN RED
18 CROSS, THE AMERICAN HEART ASSOCIATION, OR A COMPARABLE ORGANIZA-
19 TION OR ASSOCIATION.

20 (4) SUBSECTION (3) APPLIES ONLY TO A CIVIL ACTION THAT IS
21 FILED OR PENDING ON OR AFTER JULY 1, 1999.

22 (5) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS
23 LICENSED UNDER PART 209 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
24 MCL 333.20901 TO 333.20979.