

HOUSE BILL No. 6222

September 22, 2004, Introduced by Reps. Ruth Johnson, Ehardt, Nitz, Vander Veen and Amos and referred to the Committee on Judiciary.

A bill to amend 1976 PA 390, entitled
"Emergency management act,"
by amending section 11 (MCL 30.411), as amended by 2002 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Personnel of disaster relief forces while on
2 duty are subject to all of the following provisions:

3 (a) If they are ~~an employee~~ **employees** of this state, they
4 have the powers, duties, rights, privileges, and immunities of
5 and receive the compensation incidental to their employment.

6 (b) If they are employees of a political subdivision of this
7 state, regardless of where serving, they have the powers, duties,
8 rights, privileges, and immunities and receive the compensation
9 incidental to their employment.

10 (c) If they are not employees of this state or a political
11 subdivision of this state, they are entitled to the same rights

1 and immunities as provided by law for the employees of this
2 state. All personnel of disaster relief forces shall, while on
3 duty, be subject to the operational control of the authority in
4 charge of disaster relief activities in the area in which they
5 are serving, and shall be reimbursed for all actual and necessary
6 travel and subsistence expenses.

7 (2) This state, any political subdivision of this state, or
8 the employees, agents, or representatives of this state or any
9 political subdivision of this state are not liable for personal
10 injury or property damage sustained by any person appointed or
11 acting as a member of disaster relief forces. This act ~~shall~~
12 **does** not affect the right of a person to receive benefits or
13 compensation to which he or she may otherwise be entitled to
14 under the worker's disability compensation act of 1969, 1969
15 PA 317, MCL 418.101 to 418.941, any pension law, or any act of
16 congress.

17 (3) This state or a political subdivision of this state
18 engaged in disaster relief activity is not liable for the death
19 of or injury to a person or persons, or for damage to property,
20 as a result of that activity. The employees, agents, or
21 representatives of this state or a political subdivision of this
22 state and nongovernmental disaster relief force workers or
23 private or volunteer personnel engaged in disaster relief
24 activity are immune from tort liability to the extent provided
25 under section 7 of 1964 PA 170, MCL 691.1407. As used in this
26 section, "disaster relief activity" includes training for or
27 responding to an actual, impending, mock, or practice disaster or

1 emergency.

2 (4) A person licensed to practice medicine or osteopathic
3 medicine and surgery, or a licensed hospital, registered nurse,
4 practical nurse, dentist, veterinarian, ~~or paramedical person~~
5 **pharmacist, pharmacist intern, or paramedic**, whether licensed in
6 this or another state or by the federal government or a branch of
7 the armed forces of the United States, or a student nurse
8 undergoing training in a licensed hospital in this or another
9 state, that renders services during a state of disaster declared
10 by the governor and at the express or implied request of a state
11 official or agency or county or local coordinator or executive
12 body, is considered an authorized disaster relief worker or
13 facility and is not liable for an injury sustained by a person by
14 reason of those services, regardless of how or under what
15 circumstances or by what cause those injuries are sustained. The
16 immunity granted by this subsection does not apply in the event
17 of a willful act or omission. If a civil action for malpractice
18 is filed alleging a willful act or omission resulting in
19 injuries, the services rendered that resulted in those injuries
20 shall be judged according to the standards required of persons
21 licensed in this state to perform those services.

22 (5) A licensed dentist, veterinarian, registered nurse,
23 practical nurse, ~~or licensed paramedical person~~ **pharmacist,**
24 **pharmacist intern, or paramedic**, whether licensed in this or
25 another state or by the federal government or a branch of the
26 armed forces of the United States, or a student nurse undergoing
27 training in a licensed hospital in this or another state, during

1 a state of disaster declared by the governor, may practice, in
2 addition to the authority granted by other statutes of this
3 state, the administration of anesthetics; minor surgery;
4 intravenous, subcutaneous, or intramuscular procedure; or oral
5 and topical medication; or a combination of these under the
6 supervision of a member of the medical staff of a licensed
7 hospital of this state, and may assist the staff member in other
8 medical and surgical proceedings.

9 (6) A person owning or controlling real estate or other
10 premises who voluntarily and without compensation grants to this
11 state or a political subdivision of this state a license or
12 privilege, or otherwise permits this state or a political
13 subdivision of this state to inspect, designate, and use the
14 whole or any part or parts of the real estate or other premises
15 for the purpose of sheltering persons during an actual,
16 impending, mock, or practice disaster, together with his or her
17 successors in interest, if any, is not civilly liable for
18 negligently causing the death of or injury to any person on or
19 about the real estate or premises under the license, privilege,
20 or permission or for loss or damage to the property of the
21 person.

22 (7) A person owning or controlling real estate or other
23 premises who has gratuitously granted the use of the real estate
24 or other premises for the purposes stated in this section is
25 legally obligated to make known to the licensee any hidden
26 dangers or safety hazards that are known to the owner or occupant
27 of the real estate or premises that might possibly result in the

- 1 death or injury or loss of property to a person using the real
- 2 estate or premises.