

SUBSTITUTE FOR
HOUSE BILL NO. 4508

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 duty
2 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 and
5 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

1 incidental to their employment.

2 (c) If they are not employees of this state or a political
3 subdivision of this state, they are entitled to the same rights and
4 immunities as provided by law for the employees of this state. All
5 personnel of disaster relief forces shall, while on duty, be
6 subject to the operational control of the authority in charge of
7 disaster relief activities in the area in which they are serving,
8 and shall be reimbursed for all actual and necessary travel and
9 subsistence expenses.

10 (2) This state, any political subdivision of this state, or
11 the employees, agents, or representatives of this state or any
12 political subdivision of this state are not liable for personal
13 injury or property damage sustained by any person appointed or
14 acting as a member of disaster relief forces. This act ~~shall~~ **DOES**
15 not affect the right of a person to receive benefits or
16 compensation to which he or she may otherwise be entitled to under
17 the worker's disability compensation act of 1969, 1969 PA 317, MCL
18 418.101 to 418.941, any pension law, or any act of congress.

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

1 activity" includes training for or responding to an actual,
2 impending, mock, or practice disaster or emergency.

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

23 (5) A licensed dentist, veterinarian, registered nurse,
24 practical nurse, ~~or licensed paramedical person~~ **NURSING STUDENT**,
25 **PHARMACIST, PHARMACIST INTERN, OR PARAMEDIC**, whether licensed in
26 this or another state or by the federal government or a branch of
27 the armed forces of the United States, or a ~~student nurse~~ **MEDICAL**

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

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

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

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