



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 767 (as introduced 10-20-11)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 10-25-11

CONTENT

The bill would amend the Revised School Code to provide limited civil immunity to a school employee who rendered emergency care using an automated external defibrillator (AED) in the course of his or her duties.

Under the Code, a person may not receive an initial teaching certificate unless he or she has successfully completed a course in first aid and cardiopulmonary resuscitation (CPR) and instruction in foreign body airway obstruction management, and holds valid certification in those topics. (There is an exception for a person who has physical limitations that make it impracticable to complete the instruction and obtain the certification.)

A person who meets these requirements and who performs first aid, CPR, or foreign body airway obstruction management on another person in the course of his or her employment as a teacher is not liable in a civil action for damages resulting from an act or omission occurring in that performance, except an act or omission constituting gross negligence or willful and wanton misconduct.

Under the bill, a school employee who rendered emergency services to another individual using an AED in the course of his or her employment or at an extracurricular school activity would not be liable in a civil action for damages resulting from an act or omission occurring in that performance, except an act or omission that constituted gross negligence or willful and wanton misconduct.

The Code specifies that it does not create a duty to act on the part of a teacher who holds first-aid, CPR, and airway obstruction management certification. The bill would extend this to a school employee rendering emergency services using an AED.

MCL 380.1531d

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would result in indeterminate savings for local school districts to the extent that it provided protections above current governmental immunity law.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.