

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4420

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 SUBSECTION (2), AN
2 INDIVIDUAL who having no duty to do so in good faith voluntarily
3 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.

HB 4420, As Passed Senate, October 26, 1999

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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 SUBSECTION (5), AN INDIVIDUAL WHO HAVING NO
5 DUTY TO DO SO IN GOOD FAITH VOLUNTARILY RENDERS EMERGENCY SERV-
6 ICES TO ANOTHER INDIVIDUAL USING AN AUTOMATED EXTERNAL DEFIBRIL-
7 LATOR IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES RESULTING FROM
8 AN ACT OR OMISSION IN RENDERING THE EMERGENCY SERVICES USING THE
9 AUTOMATED EXTERNAL DEFIBRILLATOR, EXCEPT AN ACT OR OMISSION THAT
10 CONSTITUTES GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.

11 (4) SUBJECT TO SUBSECTION (5), THE FOLLOWING PERSONS ARE NOT
12 LIABLE IN A CIVIL ACTION FOR DAMAGES RESULTING FROM AN ACT OR
13 OMISSION OF AN INDIVIDUAL RENDERING EMERGENCY SERVICES USING AN
14 AUTOMATED EXTERNAL DEFIBRILLATOR AS DESCRIBED IN SUBSECTION (3),
15 EXCEPT IF THE PERSON'S ACTIONS CONSTITUTE GROSS NEGLIGENCE OR
16 WILLFUL AND WANTON MISCONDUCT:

17 (A) A PHYSICIAN WHO PROVIDES MEDICAL AUTHORIZATION FOR USE
18 OF AN AUTOMATED EXTERNAL DEFIBRILLATOR.

19 (B) AN INDIVIDUAL WHO INSTRUCTS OTHERS IN THE USE OF AN
20 AUTOMATED EXTERNAL DEFIBRILLATOR.

21 (C) AN INDIVIDUAL OR ENTITY THAT OWNS, OCCUPIES, OR MANAGES
22 THE PREMISES WHERE AN AUTOMATED EXTERNAL DEFIBRILLATOR IS LOCATED
23 OR USED.

24 (5) SUBSECTIONS (3) AND (4) APPLY ONLY TO A CIVIL ACTION
25 THAT IS FILED OR PENDING ON OR AFTER THE EFFECTIVE DATE OF THE
26 AMENDATORY ACT THAT ADDED THIS SUBSECTION.