

## **BILL ANALYSIS**

Senate Research Center  
78R1983 DAK-D

S.B. 181  
By: Janek  
State Affairs  
2/25/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, the Good Samaritan Law, which aims to exempt those who attempt to render assistance in case of emergency, may be unclear in its application as regards health care professionals. As proposed, S.B. 181 amends the Civil Practices and Remedies Code to exempt a person who acts in good faith while administering emergency care from liability in civil damages, but makes clear that, if the scene of the emergency is a hospital or other health care facility or transport, the exemption does not apply to a person who regularly administers care in a hospital emergency room for remuneration. This bill will repeal sections pertaining to liability for emergency care and unlicensed medical personnel.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 74.001(a) and (c), Civil Practice and Remedies Code, as follows:

(a) Provides that a person who acts in good faith while administering emergency care, including using an automated external defibrillator, is not liable in civil damages for the act unless the act is wilfully or wantonly negligent. Deletes existing language regarding the site at which emergency care is provided.

(c) Provides that if the scene of an emergency is in a hospital or other health care facility or means of medical transport, this section does not apply to a person who regularly administers care in a hospital emergency room for or in expectation of remuneration. Deletes language regarding exemption from liability for a person who administers emergency care in good faith.

SECTION 2. Repealer: Sections 74.001(b) and (d), Civil Practice and Remedies Code (regarding Liability for Emergency Care).

Repealer: Section 74.002, Civil Practice and Remedies Code (Unlicensed Medical Personnel).

SECTION 3. Effective date: September 1, 2003.  
Makes application of this act prospective.