

By: Delisi

H.B. No. 386

A BILL TO BE ENTITLED

AN ACT

relating to liability for emergency care.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 74.001, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) A person who in good faith administers emergency care, including using an automated external defibrillator, [~~at the scene of an emergency but not in a hospital or other health care facility or means of medical transport~~] is not liable in civil damages for an act performed during the emergency unless the act is wilfully or wantonly negligent.

(f) Without regard to whether a person who administers emergency care as provided by Subsection (a) is entitled to remuneration for providing that care, Subsection (b)(1) does not apply if:

(1) the person states that the person did not receive or expect to receive remuneration for administering the care; and

(2) the statement is uncontradicted.

SECTION 2. The following provisions of the Civil Practice and Remedies Code are repealed:

(1) Sections 74.001(c) and (d); and

(2) Section 74.002.

SECTION 3. This Act takes effect September 1, 2003, and

1 applies only to a cause of action that accrues on or after that
2 date. An action that accrued before the effective date of this Act
3 is governed by the law applicable to the action immediately before
4 the effective date of this Act, and that law is continued in effect
5 for that purpose.