

By: Nelson

S.B. No. 74

A BILL TO BE ENTITLED

AN ACT

relating to limitation of liability for certain emergency care provided during a declared disaster.

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

SECTION 1. Subchapter D, Chapter 74, Civil Practice and Remedies Code, is amended by adding Section 74.1511 to read as follows:

Sec. 74.1511. EMERGENCY CARE DURING DECLARED DISASTER. (a) Except as provided by Subsection (c), a physician or health care provider who in good faith administers emergency care in the course and scope of the physician's or provider's employment at the scene of an emergency or at a health care institution is not liable in civil damages for an act or omission performed during the emergency if the act was also performed during the management of an incident that has resulted in a declaration of disaster by a federal, state, or local official as authorized by a federal or state statute.

(b) This section applies regardless of whether the care is administered for or in expectation of remuneration.

(c) This section does not apply to an act or omission that is intentional, wilfully negligent, or done with conscious indifference or reckless disregard for the safety of others.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date

1 of this Act is governed by the law in effect immediately before the
2 date, and that law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.