

1-1 By: Huffman S.B. No. 752
 1-2 (In the Senate - Filed February 11, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 13, 2019, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 13, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to liability of volunteer health care providers and health
 1-20 care institutions for care, assistance, or advice provided in
 1-21 relation to a disaster.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 79, Civil Practice and Remedies Code, is
 1-24 amended by adding Section 79.0031 to read as follows:

1-25 Sec. 79.0031. LIABILITY OF VOLUNTEER HEALTH CARE PROVIDER
 1-26 OR HEALTH CARE INSTITUTION. (a) In this section:

1-27 (1) "Health care institution" has the meaning assigned
 1-28 by Section 74.001.

1-29 (2) "Volunteer health care provider" has the meaning
 1-30 assigned by Section 84.003. The term includes an individual who is
 1-31 not affiliated with a charitable organization.

1-32 (b) Except in the case of reckless conduct or intentional,
 1-33 wilful, or wanton misconduct, a volunteer health care provider is
 1-34 immune from civil liability for an act or omission that occurs in
 1-35 giving care, assistance, or advice if the care, assistance, or
 1-36 advice is provided:

1-37 (1) in relation to an incident that is a man-made or
 1-38 natural disaster that endangers or threatens to endanger
 1-39 individuals, property, or the environment; and

1-40 (2) within the scope of the provider's practice under
 1-41 the laws of this state.

1-42 (c) A health care institution is immune from civil liability
 1-43 for an act or omission by a volunteer health care provider providing
 1-44 care, assistance, or advice at the institution's facility or under
 1-45 the institution's direction if:

1-46 (1) the provider is immune from civil liability under
 1-47 Subsection (b); and

1-48 (2) the institution does not have an expectation of
 1-49 compensation from or on behalf of the recipient of the care,
 1-50 assistance, or advice in excess of reimbursement for expenses
 1-51 incurred by the institution in connection with the provision of the
 1-52 care, assistance, or advice.

1-53 (d) The immunity provided by this section is in addition to
 1-54 any other immunity or limitations of liability provided by law.

1-55 SECTION 2. Section 79.0031, Civil Practice and Remedies
 1-56 Code, as added by this Act, does not apply to a cause of action that
 1-57 accrued before the effective date of this Act.

1-58 SECTION 3. This Act takes effect September 1, 2019.

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