

AMENDED IN SENATE JUNE 10, 2013

AMENDED IN ASSEMBLY MAY 13, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 633**

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**Introduced by Assembly Member Salas**  
*(Principal coauthor: Assembly Member Logue)*

February 20, 2013

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An act to add Section 1799.103 to the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 633, as amended, Salas. Emergency medical services: civil liability.

Under existing law, a person who, in good faith and not for compensation, renders emergency medical or nonmedical care or assistance at the scene of an emergency is not liable for civil damages resulting from any act or omission, except as specified. Existing law further provides that a person who has completed a basic cardiopulmonary resuscitation course that complies with specified standards, and who in good faith renders emergency cardiopulmonary resuscitation at the scene of an emergency is not liable for any civil damages as a result of any act or omission, except as specified. Existing law provides that a health care provider, including any licensed clinic, health dispensary, or health facility, is not liable for professional negligence or malpractice for any occurrence or result solely on the

basis that the occurrence or result was caused by the natural course of a disease or condition, or was the natural or expected result of reasonable treatment rendered for the disease or condition.

This bill would prohibit an employer from having a policy or practice of prohibiting an employee from providing voluntary emergency medical services, including, but not limited to, cardiopulmonary resuscitation, in response to a medical emergency, except as specified. The bill would provide that an employee is not liable for any civil damages resulting from an act or omission when he or she, in good faith and not for compensation, voluntarily renders emergency care at the scene of an emergency, except as specified. *The bill would provide that an employer is not liable for any civil damages or criminal and administrative discipline or penalties resulting from an act or omission of an employee who voluntarily provides emergency medical services, or resulting from an employee's violation of certain employer policies regarding emergency medical resuscitation.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1799.103 is added to the Health and  
2     Safety Code, to read:

3     1799.103. (a) An employer shall not adopt or enforce a policy  
4     prohibiting an employee from voluntarily providing emergency  
5     medical services, including, but not limited to, cardiopulmonary  
6     resuscitation, in response to a medical emergency, except as  
7     provided in paragraphs (1) and (2).

8     (1) Notwithstanding this subdivision, an employer may adopt  
9     and enforce a policy authorizing employees trained in emergency  
10    services to provide those services, and prohibiting other employees  
11    from providing those services if a trained employee is available  
12    during business hours.

13    (2) Notwithstanding this subdivision, an employer may adopt  
14    and enforce a policy prohibiting an employee from performing  
15    emergency medical services, including, but not limited to,  
16    cardiopulmonary resuscitation, on a person who has expressed  
17    the desire to forego resuscitation or other medical interventions  
18    through any legally recognized means, including, but not limited  
19    to, a do-not-resuscitate order, a Physical Orders for Life Sustaining

1 *Treatment form, an advance health care directive, or a legally*  
2 *recognized healthcare decisionmaker.*

3 *(b) Section 1799.102 applies to an employee who voluntarily*  
4 *provides emergency medical services, including, but not limited*  
5 *to, cardiopulmonary resuscitation pursuant to subdivision (a)*  
6 *despite providing those services during the performance of*  
7 *activities for which he or she is compensated.*

8 *(c) An employer is not liable for any civil damages or criminal*  
9 *or administrative discipline or penalties resulting from an act or*  
10 *omission of an employee who voluntarily provides emergency*  
11 *medical services, including, but not limited to, cardiopulmonary*  
12 *resuscitation.*

13 *(d) An employer is not liable for any civil damages or criminal*  
14 *or administrative discipline or penalties resulting from an*  
15 *employee's violation of an employer's policy adopted pursuant to*  
16 *paragraph (1) of subdivision (a).*

17 ~~SECTION 1. Section 1799.103 is added to the Health and~~  
18 ~~Safety Code, to read:~~

19 ~~1799.103. (a) (1) An employer shall not adopt or enforce a~~  
20 ~~policy or practice of prohibiting an employee from voluntarily~~  
21 ~~providing emergency medical services, including, but not limited~~  
22 ~~to, cardiopulmonary resuscitation, in response to a medical~~  
23 ~~emergency.~~

24 ~~(2) Section 1799.102 applies to an employee providing~~  
25 ~~resuscitation pursuant to paragraph (1).~~

26 ~~(b) This section shall not apply to any of the following facilities~~  
27 ~~if there is a "do not resuscitate" or a Physician Orders for Life~~  
28 ~~Sustaining Treatment form as defined in Section 4780 of the~~  
29 ~~Probate Code, or an advance health care directive that prohibits~~  
30 ~~resuscitation pursuant to Chapter 1 (commencing with Section~~  
31 ~~4670) of Part 2 of Division 4.7 of the Probate Code, in effect for~~  
32 ~~the person upon whom the resuscitation would otherwise be~~  
33 ~~performed:~~

34 ~~(1) A long-term health care facility, as defined in Section 1418.~~

35 ~~(2) A community care facility, as defined in Section 1502.~~

36 ~~(3) A residential care facility for the elderly, as defined in~~  
37 ~~Section 1569.2.~~

38 ~~(4) An adult day health care center, as defined in Section 1570.7.~~

39 ~~(5) A health facility, as defined in Section 1250, that is licensed~~  
40 ~~by the State Department of Public Health.~~

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