

AMENDED IN SENATE JUNE 20, 2013

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

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

February 20, 2013

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 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, 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 *not specifically trained in emergency medical services* from
 12 providing those services if a trained employee is *immediately*
 13 ~~available during business hours~~ *at the time of the medical*
 14 *emergency. However, in the event of an emergency, any available*
 15 *employee may voluntarily provide emergency medical services if*
 16 *a trained and authorized employee is not immediately available*

1 *or is otherwise unable or unwilling to provide emergency medical*
2 *services.*

3 (2) Notwithstanding this subdivision, an employer may adopt
4 and enforce a policy prohibiting an employee from performing
5 emergency medical services, including, but not limited to,
6 cardiopulmonary resuscitation, on a person who has expressed the
7 desire to ~~forego~~ *forgo* resuscitation or other medical interventions
8 through any legally recognized means, including, but not limited
9 to, a do-not-resuscitate order, a ~~Physical~~ *Physician* Orders for Life
10 Sustaining Treatment form, an advance health care directive, or a
11 legally recognized ~~healthcare~~ *health care* decisionmaker.

12 (b) Section 1799.102 applies to an employee who voluntarily
13 provides emergency medical services, including, but not limited
14 to, cardiopulmonary resuscitation pursuant to subdivision (a)
15 despite providing those services during the performance of
16 activities for which he or she is compensated.

17 (c) An employer is not liable for any civil damages or criminal
18 or administrative discipline or penalties resulting from an act or
19 omission of an employee who voluntarily provides emergency
20 medical services, including, but not limited to, cardiopulmonary
21 resuscitation.

22 (d) An employer is not liable for any civil damages or criminal
23 or administrative discipline or penalties resulting from an
24 employee's violation of an employer's policy adopted pursuant to
25 paragraph (1) of subdivision (a).