

Introduced by Senator Emmerson

February 22, 2013

An act to add Section 1714.26 to the Civil Code, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 724, as introduced, Emmerson. Liability: charitable vision screenings.

Existing law provides immunity to a food facility that donates edible food for any damage or injury resulting from the consumption of the donated food, and to any nonprofit charitable organization or food bank that receives and distributes edible food for any injury or death due to the food, except as specified.

This bill would provide immunity to a church, nonprofit charitable organization, or participating licensed optometrist, ophthalmologist, or volunteer working with a nonprofit charitable organization for any damage or injury resulting from the provision of vision screening and the distribution of donated or recycled eyeglasses, if specified conditions are met.

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 1714.26 is added to the Civil Code, to
2 read:
3 1714.26. (a) Except for injury resulting from gross negligence
4 or a willful act, there is no liability for any damage or injury on
5 the part of a church, a nonprofit charitable organization that
6 provides vision screenings and distributes donated or recycled

- 1 eyeglasses, or a participating licensed optometrist, ophthalmologist,
2 or volunteer who works with such a nonprofit charitable
3 organization, if all of the following conditions are met:
- 4 (1) The vision screening is provided to address ocular health
5 concerns and to provide a temporary solution in the form of
6 donated or recycled eyeglasses until the patient can get a full
7 examination and eyeglasses.
- 8 (2) The vision screening is not intended to replace a full ocular
9 health examination provided by a licensed optometrist or
10 ophthalmologist.
- 11 (3) The patient signs a waiver acknowledging that the services
12 provided are a temporary solution until the patient can get a full
13 examination by a licensed optometrist or ophthalmologist.
- 14 (4) Each vision screening is supervised by a licensed optometrist
15 or ophthalmologist.
- 16 (5) The eyeglass prescription determinations and ocular health
17 recommendations are provided by a licensed optometrist or
18 ophthalmologist.
- 19 (6) A written prescription is not provided to the patient.
- 20 (7) The eyeglasses provided to the patients are a close or
21 approximate match, within tolerances, to the prescription
22 determined during the vision screening.
- 23 (8) The vision screening services and eyeglasses are provided
24 without a charge.
- 25 (b) For the purposes of this section, “nonprofit charitable
26 organization” means an organization exempt from federal income
27 tax as an organization described in Section 501(c)(3) of the Internal
28 Revenue Code.