



House of Representatives

General Assembly

File No. 169

January Session, 2017

Substitute House Bill No. 6038

House of Representatives, March 23, 2017

The Committee on Public Safety and Security reported through REP. VERRENGIA of the 20th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING GOOD SAMARITAN PROTECTIONS FOR FIRST RESPONDERS AND ANIMAL CONTROL OFFICERS WHO RENDER EMERGENCY MEDICAL ASSISTANCE TO ANIMALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-557b of the general statutes is amended by
2 adding subsection (i) as follows (*Effective October 1, 2017*):

3 (NEW) (i) A paid or volunteer firefighter, police officer or state,
4 regional or municipal animal control officer or emergency medical
5 service personnel who renders emergency medical assistance to any
6 animal in need thereof, as determined by such firefighter, police
7 officer, animal control officer or emergency medical service personnel,
8 shall not be liable to the owner of such animal for civil damages for
9 any injuries to such animal which result from acts or omissions by
10 such person in rendering emergency medical assistance to such animal
11 which may constitute ordinary negligence. The immunity provided in
12 this subsection does not apply to acts or omissions constituting gross,

13 wilful or wanton negligence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	52-557b

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which provides immunity to first responders and animal control officers who render emergency assistance to an animal, does not result in a fiscal impact as it is codifying current practice.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 6038*****AN ACT CONCERNING GOOD SAMARITAN PROTECTIONS FOR FIRST RESPONDERS AND ANIMAL CONTROL OFFICERS WHO RENDER EMERGENCY MEDICAL ASSISTANCE TO ANIMALS.*****SUMMARY**

This bill immunizes first responders and animal control officers from being civilly liable to an owner for injuring an animal as a result of rendering emergency medical assistance to the animal. The immunity applies to acts or omissions that constitute ordinary negligence; it does not cover gross, willful, or wanton negligence.

The first responders covered by the bill are firefighters, police officers, and emergency medical service personnel.

EFFECTIVE DATE: October 1, 2017

BACKGROUND***Connecticut's Good Samaritan Laws***

Connecticut statutes make volunteers engaged in certain activities immune from lawsuits arising from acts of ordinary negligence. The primary source of volunteer protection is the state's Good Samaritan Law, which covers volunteers who provide emergency medical assistance or first aid (CGS § 52-557b). The immunity does not apply to gross, willful, or wanton negligence.

Ordinary, Gross, and Willful and Wanton Negligence

"Ordinary negligence" is the failure to exercise the ordinary care that a prudent and reasonable person would (or would not) use under the same or similar circumstances (57A Am. Jur. 2d, Negligence § 226 (2017)). "Gross negligence" generally signifies more than ordinary inadvertence or inattention, but less than a conscious indifference to

consequences (*Prosser on Torts*, Gross Negligence). And although neither the Connecticut Appeals or Supreme courts have adopted a definition of “willful or wanton negligence,” the usual meaning assigned in legal treatises is an act intentionally done that is unreasonable, taken in disregard of a risk known to the actor or so obvious that he or she must be taken to have been aware of it, and so great as to make it highly probable that harm would follow (Restatement (2nd) of Torts, § 500 (1965)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 22 Nay 2 (03/08/2017)