



General Assembly

**Substitute Bill No. 5341**

February Session, 2018



**AN ACT PROVIDING IMMUNITY FROM LIABILITY FOR SCHOOL BUS DRIVERS WHO MAY ADMINISTER EPINEPHRINE TO A STUDENT IN AN EMERGENCY SITUATION.**

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 Section 52-557b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2018*):

3 (a) A person licensed to practice medicine and surgery under the  
4 provisions of chapter 370 or dentistry under the provisions of section  
5 20-106 or members of the same professions licensed to practice in any  
6 other state of the United States, a person licensed as a registered nurse  
7 under section 20-93 or 20-94 or certified as a licensed practical nurse  
8 under section 20-96 or 20-97, a medical technician or any person  
9 operating a cardiopulmonary resuscitator or a person trained in  
10 cardiopulmonary resuscitation in accordance with the guidelines set  
11 forth by the American Red Cross or American Heart Association, or a  
12 person operating an automatic external defibrillator, who, voluntarily  
13 and gratuitously and other than in the ordinary course of such person's  
14 employment or practice, renders emergency medical or professional  
15 assistance to a person in need thereof, shall not be liable to such person  
16 assisted for civil damages for any personal injuries which result from  
17 acts or omissions by such person in rendering the emergency care,  
18 which may constitute ordinary negligence. A person or entity that

19 provides or maintains an automatic external defibrillator shall not be  
20 liable for the acts or omissions of the person or entity in providing or  
21 maintaining the automatic external defibrillator, which may constitute  
22 ordinary negligence. The immunity provided in this subsection does  
23 not apply to acts or omissions constituting gross, wilful or wanton  
24 negligence. With respect to the use of an automatic external  
25 defibrillator, the immunity provided in this subsection shall only apply  
26 to acts or omissions involving the use of an automatic external  
27 defibrillator in the rendering of emergency care. Nothing in this  
28 subsection shall be construed to exempt paid or volunteer firefighters,  
29 police officers or emergency medical services personnel from  
30 completing training in cardiopulmonary resuscitation or in the use of  
31 an automatic external defibrillator in accordance with the guidelines  
32 set forth by the American Red Cross or American Heart Association.  
33 For the purposes of this subsection, "automatic external defibrillator"  
34 means a device that: (1) Is used to administer an electric shock through  
35 the chest wall to the heart; (2) contains internal decision-making  
36 electronics, microcomputers or special software that allows it to  
37 interpret physiologic signals, make medical diagnosis and, if  
38 necessary, apply therapy; (3) guides the user through the process of  
39 using the device by audible or visual prompts; and (4) does not require  
40 the user to employ any discretion or judgment in its use.

41 (b) A paid or volunteer firefighter or police officer, a teacher or  
42 other school personnel on the school grounds or in the school building  
43 or at a school function, a member of a ski patrol, a lifeguard, a  
44 conservation officer, patrol officer or special police officer of the  
45 Department of Energy and Environmental Protection, or emergency  
46 medical service personnel, who has completed a course in first aid  
47 offered by the American Red Cross, the American Heart Association,  
48 the National Ski Patrol, the Department of Public Health or any  
49 director of health, as certified by the agency or director of health  
50 offering the course, and who renders emergency first aid to a person in  
51 need thereof, shall not be liable to such person assisted for civil  
52 damages for any personal injuries which result from acts or omissions

53 by such person in rendering the emergency first aid, which may  
54 constitute ordinary negligence. No paid or volunteer firefighter, police  
55 officer or emergency medical service personnel who forcibly enters the  
56 residence of any person in order to render emergency first aid to a  
57 person whom such firefighter, police officer or emergency medical  
58 service personnel reasonably believes to be in need thereof shall be  
59 liable to such person for civil damages incurred as a result of such  
60 entry. The immunity provided in this subsection does not apply to acts  
61 or omissions constituting gross, wilful or wanton negligence.

62 (c) An employee of a railroad company, including any company  
63 operating a commuter rail line, who has successfully completed a  
64 course in first aid, offered by the American Red Cross, the American  
65 Heart Association, the National Ski Patrol, the Department of Public  
66 Health or any director of health, as certified by the agency or director  
67 of health offering the course, and who renders emergency first aid or  
68 cardiopulmonary resuscitation to a person in need thereof, shall not be  
69 liable to such person assisted for civil damages for any personal injury  
70 or death which results from acts or omissions by such employee in  
71 rendering the emergency first aid or cardiopulmonary resuscitation  
72 which may constitute ordinary negligence. The immunity provided in  
73 this subsection does not apply to acts or omissions constituting gross,  
74 wilful or wanton negligence.

75 (d) A railroad company, including any commuter rail line, which  
76 provides emergency medical training or equipment to any employee  
77 granted immunity pursuant to subsection (c) of this section shall not be  
78 liable for civil damages for any injury sustained by a person or for the  
79 death of a person which results from the company's acts or omissions  
80 in providing such training or equipment or which results from acts or  
81 omissions by such employee in rendering emergency first aid or  
82 cardiopulmonary resuscitation, which may constitute ordinary  
83 negligence. The immunity provided in this subsection does not apply  
84 to acts or omissions constituting gross, wilful or wanton negligence.

85 (e) (1) For purposes of this subsection, "cartridge injector" means an

86 automatic prefilled cartridge injector or similar automatic injectable  
87 equipment used to deliver epinephrine in a standard dose for  
88 emergency first aid response to allergic reactions.

89 (2) Any volunteer worker associated with, or any person employed  
90 to work for, a program offered to children sixteen years of age or  
91 younger by a corporation, other than a licensed health care provider,  
92 that is exempt from federal income taxation under Section 501 of the  
93 Internal Revenue Code of 1986, or any subsequent corresponding  
94 internal revenue code of the United States, as from time to time  
95 amended, who (A) has been trained in the use of a cartridge injector by  
96 a licensed physician, physician assistant, advanced practice registered  
97 nurse or registered nurse, (B) has obtained the consent of a parent or  
98 legal guardian to use a cartridge injector on his or her child, and (C)  
99 uses a cartridge injector on such child in apparent need thereof  
100 participating in such program, shall not be liable to such child assisted  
101 or to such child's parent or guardian for civil damages for any personal  
102 injury or death which results from acts or omissions by such worker in  
103 using a cartridge injector which may constitute ordinary negligence.  
104 The immunity provided in this subsection does not apply to acts or  
105 omissions constituting gross, wilful or wanton negligence.

106 (3) A corporation, other than a licensed health care provider, that is  
107 exempt from federal income taxation under Section 501 of the Internal  
108 Revenue Code of 1986, or any subsequent corresponding internal  
109 revenue code of the United States, as from time to time amended,  
110 which provides training in the use of cartridge injectors to any  
111 volunteer worker granted immunity pursuant to subdivision (2) of this  
112 subsection shall not be liable for civil damages for any injury sustained  
113 by, or for the death of, a child sixteen years of age or younger who is  
114 participating in a program offered by such corporation, which injury  
115 or death results from acts or omissions by such worker in using a  
116 cartridge injector, which may constitute ordinary negligence. The  
117 immunity provided in this subsection does not apply to acts or  
118 omissions constituting gross, wilful or wanton negligence.

119 (f) A teacher or other school personnel, on the school grounds or in  
120 the school building or at a school function, who has completed both a  
121 course in first aid in accordance with subsection (b) of this section and  
122 a course given by the medical advisor of the school or by a licensed  
123 physician in the administration of medication by injection, who  
124 renders emergency care by administration of medication by injection  
125 to a person in need thereof, shall not be liable to the person assisted for  
126 civil damages for any injuries which result from acts or omissions by  
127 the person in rendering the emergency care of administration of  
128 medication by injection, which may constitute ordinary negligence.  
129 The immunity provided in this subsection does not apply to acts or  
130 omissions constituting gross, wilful or wanton negligence.

131 (g) The provisions of this section shall not be construed to require  
132 any teacher or other school personnel to render emergency first aid or  
133 administer medication by injection.

134 (h) Any person who has completed a course in first aid offered by  
135 the American Red Cross, the American Heart Association, the National  
136 Ski Patrol, the Department of Public Health or any director of health,  
137 as certified by the agency or director of health offering the course, or  
138 has been trained in the use of a cartridge injector by a licensed  
139 physician, physician assistant, advanced practice registered nurse or  
140 registered nurse, and who, voluntarily and gratuitously and other than  
141 in the ordinary course of such person's employment or practice,  
142 renders emergency assistance by using a cartridge injector on another  
143 person in need thereof, or any person who is an identified staff  
144 member of a before or after school program, day camp or child care  
145 facility, as defined in section 19a-900, and who renders emergency  
146 assistance by using a cartridge injector on another person in need  
147 thereof, shall not be liable to such person assisted for civil damages for  
148 any personal injuries which result from acts or omissions by such  
149 person in using a cartridge injector, which may constitute ordinary  
150 negligence. The immunity provided in this subsection does not apply  
151 to acts or omissions constituting gross, wilful or wanton negligence.

152 For the purposes of this subsection, "cartridge injector" has the same  
153 meaning as provided in subdivision (1) of subsection (e) of this section.

154 (i) A school bus driver, on or in the immediate vicinity of a school  
155 bus during the provision of school transportation services, who  
156 renders emergency care by administration of medication with a  
157 cartridge injector to a student in need thereof who has a medically  
158 diagnosed allergic condition that may require prompt treatment in  
159 order to protect the student against serious harm or death, shall not be  
160 liable to the student assisted for civil damages for any injuries which  
161 result from acts or omissions by the school bus driver in rendering the  
162 emergency care of administration of medication with a cartridge  
163 injector, which may constitute ordinary negligence. The immunity  
164 provided in this subdivision does not apply to acts or omissions  
165 constituting gross, wilful or wanton negligence. For the purposes of  
166 this subsection, "cartridge injector" has the same meaning as provided  
167 in subdivision (1) of subsection (e) of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2018	52-557b
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**ED**      *Joint Favorable Subst.*

**JUD**      *Joint Favorable*