



House of Representatives

General Assembly

File No. 244

February Session, 2018

Substitute House Bill No. 5341

House of Representatives, April 5, 2018

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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 Section 52-557b of the general statutes is repealed and the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

ED *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 does not result in a fiscal impact, as it provides immunity from civil liability to bus drivers who provide an emergency administration of epinephrine by a cartridge injector to certain students. Immunity from civil liability does not have a fiscal impact to the state or to local and regional boards of education.

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

OLR Bill Analysis**sHB 5341*****AN ACT PROVIDING IMMUNITY FROM LIABILITY FOR SCHOOL BUS DRIVERS WHO MAY ADMINISTER EPINEPHRINE TO A STUDENT IN AN EMERGENCY SITUATION.*****SUMMARY**

This bill provides immunity from civil liability to bus drivers who provide an emergency administration of epinephrine by a cartridge injector to certain students.

Under the bill, a bus driver may administer the medication to a student with a diagnosed allergic condition to protect against serious harm or death without civil liability for injuries resulting from ordinary negligence during the administration. It must occur either on or in the immediate vicinity of a school bus during the provision of school transportation services.

The immunity does not extend to acts or omissions that constitute gross, willful, or wanton negligence.

The bill defines “cartridge injector” as an automatic, prefilled cartridge injector or similar automatic injectable equipment, used to deliver a standard dose of epinephrine during an emergency allergic reaction.

EFFECTIVE DATE: July 1, 2018

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/23/2018)