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## OLR Bill Analysis

### sSB 939

#### ***AN ACT CONCERNING THE CIVIL LIABILITY OF A PHYSICIAN WHO ASSISTS A SWAT TEAM AND AN ARCHITECT WHO EVALUATES SAFETY ELEMENTS IN THE AFTERMATH OF A MAJOR DISASTER OR EMERGENCY.***

#### **SUMMARY**

This bill specifically grants civil immunity to physicians who voluntarily, without compensation, and other than in the course of employment or practice, give emergency medical assistance in connection with a special weapons and tactics (SWAT) team's law enforcement duties.

The bill also grants civil immunity to architects who assist certain public safety officials in evaluating the safety of built environment elements following certain major disasters or emergencies.

EFFECTIVE DATE: October 1, 2021

#### **PHYSICIANS' IMMUNITY**

Under the bill:

1. physicians are not liable for civil damages for personal injuries resulting from ordinary negligence in their acts or omissions in giving the assistance described above;
2. the immunity applies whether the physicians are assisting a state, regional, or local SWAT team; and
3. as under existing law, the immunity does not apply to gross, willful, or wanton negligence.

Existing law already grants civil immunity for ordinary negligence to physicians who voluntarily, without compensation, and other than in the ordinary course of employment or practice, give emergency

assistance to people in need (CGS § 52-557b(a)).

### **ARCHITECTS' IMMUNITY**

Under the bill, to receive civil immunity, the architect's assistance must be:

1. at the request of, under the direction of, or in connection with a public safety official;
2. voluntary and without compensation; and
3. done in good faith.

An architect whose assistance meets these requirements is not liable for civil damages unless he or she failed to act as a reasonably prudent public safety official would have acted under the same or similar circumstances. Additionally, the bill applies to these architects the same standard of care that applies to public safety officials evaluating built environment (see below) elements during situations other than major disasters or emergencies (it is not clear what that standard of care is under existing law).

These provisions apply to an architect's acts or omissions that occur during the time period a civil preparedness emergency declaration is effective or for 60 days after the declaration is issued, whichever is longer.

### **DEFINITIONS**

#### ***Built Environment***

Under the bill, a "built environment" is a human-made environment, including homes, buildings, streets, sidewalks, and parks as well as transportation, energy, and other infrastructure.

#### ***Public Safety Official***

Additionally, under the bill, a "public safety official" is (1) a state or municipal police officer or firefighter; (2) a building or assistant building official; (3) the state building inspector or his designee; (4) a community emergency response team member activated by the

Department of Emergency Services and Public Protection (DESPP), a local emergency preparedness official, or a municipal police agency; (5) a DESPP official; or (6) a Federal Emergency Management Agency official.

***Major Disaster***

By law, and under the bill, a “major disaster” is any catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, any fire, flood, explosion, or man-made disaster in Connecticut that (1) the president determines causes damage that warrants major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to supplement the efforts and available resources of the state, municipal governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering the catastrophe caused or (2) the governor determines requires a civil preparedness emergency declaration (CGS § 28-1(2)).

***Emergency***

Additionally, an “emergency” is any instance in which the governor or president determines state or federal assistance is needed to supplement state or local efforts and capabilities to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster or catastrophe in Connecticut (CGS § 28-1(3)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 33 Nay 1 (04/09/2021)