

SENATE BILL NO. 301

BY SENATOR CHAISSON AND REPRESENTATIVES ARMES, ARNOLD, BOBBY BADON, BILLIOT, BURFORD, HENRY BURNS, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, CORTEZ, DIXON, GISCLAIR, HARDY, HARRISON, HAZEL, HINES, HOFFMANN, HUTTER, GIROD JACKSON, ROSALIND JONES, KATZ, LABRUZZO, LIGI, LOPINTO, MARCHAND, MILLS, PEARSON, RICHMOND, SMILEY, JANE SMITH, TEMPLET, TRAHAN, TUCKER, WILLIAMS AND WILLMOTT

1 AN ACT

2 To enact R.S. 29:735.3, relative to civil liability of medical personnel; to provide immunity  
3 for medical personnel during a declared state of emergency who render emergency  
4 care, health care services, or first aid as a result of evacuations or treatment  
5 conducted in accordance with disaster medicine protocol and at the direction of  
6 military or government authorities; to provide for definitions; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 29:735.3 is hereby enacted to read as follows:

10 **§735.3. Immunity for evacuation or treatment**

11 **A. During a declared state of emergency, medical personnel, who render**  
12 **or fail to render emergency care, health care services, or first aid, shall not be**  
13 **liable for any civil damages to a person as a result of an evacuation or treatment**  
14 **or failed evacuation or treatment conducted in accordance with disaster**  
15 **medicine protocol and at the direction of military or government authorities,**  
16 **unless the damage or injury is caused by willful and wanton misconduct.**

17 **B. As used in this Section:**

18 **(1) "Disaster medicine protocol" means the order of evacuation and**  
19 **treatment of persons by priority in accordance with recognized triage process**  
20 **applicable when disastrous conditions prevent evacuation or treatment of all**  
21 **patients.**

1                   (2) "Disaster medicine" means the art and science of patient care when  
2                   the number of patients exceeds the normal medical capacities, facilities and  
3                   personnel.

4                   (3) "During a declared state of emergency" means during the period of  
5                   time set forth in a declaration of the governor in accordance with R.S. 29:724  
6                   or 766 and shall include the time period as set forth in the declaration and shall  
7                   also be retroactive to the precipitating event requiring the declaration of  
8                   disaster or public emergency.

9                   (4) "Medical personnel" means an individual or person subject to the  
10                  provisions of R.S. 37:1731, regardless of compensation.

11                  Section 2. This Act shall become effective upon signature by the governor or, if not  
12                  signed by the governor, upon expiration of the time for bills to become law without signature  
13                  by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
14                  vetoed by the governor and subsequently approved by the legislature, this Act shall become  
15                  effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_