

SECOND REGULAR SESSION

SENATE BILL NO. 792

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3380S.011

AN ACT

To repeal section 537.037, RSMo, and to enact in lieu thereof one new section relating to immunity from tort liability for certain healthcare professionals.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 537.037, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 537.037, to read as follows:

537.037. 1. Any physician or surgeon, registered professional nurse or
2 licensed practical nurse licensed to practice in this state under the provisions of
3 chapter 334 or 335, RSMo, or licensed to practice under the equivalent laws of
4 any other state and any person licensed as a mobile emergency medical
5 technician under the provisions of chapter 190, RSMo, may:

6 (1) In good faith render emergency care or assistance, without
7 compensation, at the scene of an emergency or accident, and shall not be liable
8 for any civil damages for acts or omissions other than damages occasioned by
9 gross negligence or by willful or wanton acts or omissions by such person in
10 rendering such emergency care;

11 (2) In good faith render emergency care or assistance, without
12 compensation, to any minor involved in an accident, or in competitive sports, or
13 other emergency at the scene of an accident, without first obtaining the consent
14 of the parent or guardian of the minor, and shall not be liable for any civil
15 damages other than damages occasioned by gross negligence or by willful or
16 wanton acts or omissions by such person in rendering the emergency care.

17 2. Any other person who has been trained to provide first aid in a
18 standard recognized training program may, without compensation, render
19 emergency care or assistance to the level for which he or she has been trained,
20 at the scene of an emergency or accident, and shall not be liable for civil damages

21 for acts or omissions other than damages occasioned by gross negligence or by
22 willful or wanton acts or omissions by such person in rendering such emergency
23 care.

24 3. Any mental health professional, as defined in section 632.005, RSMo,
25 or substance abuse counselor, as defined in section 631.005, RSMo, or any
26 practicing medical, osteopathic, or chiropractic physician, or certified nurse
27 practitioner, or physicians' assistant may in good faith render suicide prevention
28 interventions at the scene of a threatened suicide and shall not be liable for any
29 civil damages for acts or omissions other than damages occasioned by gross
30 negligence or by willful or wanton acts or omissions by such person in rendering
31 such suicide prevention interventions.

32 4. Any other person who has been trained to provide suicide prevention
33 interventions in a standard recognized training program may, without
34 compensation, render suicide prevention interventions to the level for which such
35 person has been trained at the scene of a threatened suicide and shall not be
36 liable for civil damages for acts or omissions other than damages occasioned by
37 gross negligence or by willful or wanton acts or omissions by such person in
38 rendering such suicide prevention interventions.

39 **5. Any physician or surgeon, registered professional nurse or**
40 **licensed practical nurse licensed to practice in this state under the**
41 **provisions of chapter 334 or 335, RSMo, or any person licensed as an**
42 **emergency medical technician under the provisions of chapter 190,**
43 **RSMo, may render uncompensated care or assistance while assisting**
44 **any special operations, weapons, or response team of a law enforcement**
45 **agency, or any governmental agency, engaged in any of the activities**
46 **enumerated in this subsection. Such person shall not be liable for any**
47 **civil damages for acts or omissions, other than damages occasioned by**
48 **gross negligence or by willful or wanton acts or omissions, by such**
49 **person while assisting such teams or agencies in any coordinated,**
50 **planned activity for any of the following purposes:**

51 (1) Responding to imminent violence, a riot, an act of terrorism,
52 or a similar civic emergency;

53 (2) Entering or attempting to enter a building, watercraft,
54 aircraft, land vehicle, body of water, or other area, to seize evidence or
55 to arrest an individual for an alleged felony violation under the
56 authority of a court-ordered warrant;

57 **(3) Engaging in a search for, rescue of, or recovery of a victim or**
58 **victims of a natural or manmade disaster, accident, or other emergency**
59 **on land or on water; or**

60 **(4) Training for the law enforcement team or governmental**
61 **agency.**

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