



Sen. Deanna Demuzio

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LRB095 07684 DRJ 33390 a

1 AMENDMENT TO SENATE BILL 404

2 AMENDMENT NO. _____. Amend Senate Bill 404 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Medical Services (EMS) Systems
5 Act is amended by changing Section 3.150 as follows:

6 (210 ILCS 50/3.150)

7 Sec. 3.150. Immunity from civil liability.

8 (a) Any person, agency or governmental body certified,
9 licensed or authorized pursuant to this Act or rules
10 thereunder, who in good faith provides emergency or
11 non-emergency medical services during a Department approved
12 training course, in the normal course of conducting their
13 duties, or in an emergency, shall not be civilly liable as a
14 result of their acts or omissions in providing such services
15 unless such acts or omissions, including the bypassing of
16 nearby hospitals or medical facilities in accordance with the

1 protocols developed pursuant to this Act, constitute willful
2 and wanton misconduct.

3 (b) No person, including any private or governmental
4 organization or institution that administers, sponsors,
5 authorizes, supports, finances, educates or supervises the
6 functions of emergency medical services personnel certified,
7 licensed or authorized pursuant to this Act, including persons
8 participating in a Department approved training program, shall
9 be liable for any civil damages for any act or omission in
10 connection with administration, sponsorship, authorization,
11 support, finance, education or supervision of such emergency
12 medical services personnel, where the act or omission occurs in
13 connection with activities within the scope of this Act, unless
14 the act or omission was the result of willful and wanton
15 misconduct.

16 (c) Exemption from civil liability for emergency care is as
17 provided in the Good Samaritan Act.

18 (d) No local agency, entity of State or local government,
19 or other public or private organization, nor any officer,
20 director, trustee, employee, consultant or agent of any such
21 entity, which sponsors, authorizes, supports, finances, or
22 supervises the training of persons in the use of a basic
23 cardiopulmonary resuscitation, automated external
24 defibrillators, or first aid in a course which complies with
25 generally recognized standards, shall be liable for damages in
26 any civil action based on the training of such persons unless

1 an act or omission during the course of instruction constitutes
2 willful and wanton misconduct.

3 (e) No person who is certified to teach the use of basic
4 cardiopulmonary resuscitation, automated external
5 defibrillators, or first aid and who teaches a course of
6 instruction which complies with generally recognized standards
7 for the use of basic cardiopulmonary resuscitation, automated
8 external defibrillators, or first aid shall be liable for
9 damages in any civil action based on the acts or omissions of a
10 person who received such instruction, unless an act or omission
11 during the course of such instruction constitutes willful and
12 wanton misconduct.

13 (f) No member or alternate of the State Emergency Medical
14 Services Disciplinary Review Board or a local System review
15 board who in good faith exercises his responsibilities under
16 this Act shall be liable for damages in any civil action based
17 on such activities unless an act or omission during the course
18 of such activities constitutes willful and wanton misconduct.

19 (g) No EMS Medical Director who in good faith exercises his
20 responsibilities under this Act shall be liable for damages in
21 any civil action based on such activities unless an act or
22 omission during the course of such activities constitutes
23 willful and wanton misconduct.

24 (h) Nothing in this Act shall be construed to create a
25 cause of action or any civil liabilities.

26 (Source: P.A. 89-177, eff. 7-19-95; 89-607, eff. 1-1-97.)

1 Section 10. The Good Samaritan Act is amended by changing
2 Section 12 as follows:

3 (745 ILCS 49/12)

4 Sec. 12. Use of an automated ~~automatic~~ external
5 defibrillator; exemption from civil liability for emergency
6 care. Any person who has successfully completed the training
7 requirements of a course in basic emergency care of a person in
8 cardiac arrest that:

9 (i) included training in the operation and use of an
10 automated ~~automatic~~ external defibrillator; and

11 (ii) was conducted in accordance with the standards of
12 the American Heart Association,
13 and who, in good faith, not for compensation, renders emergency
14 medical care involving the use of an automated ~~automatic~~
15 external defibrillator in accordance with his or her training
16 is not liable for any civil damages as a result of any act or
17 omission, except for willful and wanton misconduct, by that
18 person in rendering that care.

19 (Source: P.A. 90-746, eff. 8-14-98.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."