

# HOUSE . . . . . No. 5946

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 22, 1972.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, House, No. 113) of John M. Quinlan for legislation to facilitate emergency resuscitation by qualified personnel of persons in immediate danger of loss of life and liability resulting from such treatment; the petition (accompanied by bill, Senate, No. 536) of Neil L. Chayet and William L. Saltonstall for legislation to extend the exemption from civil liability for emergency care or treatment to citizens; the petition (accompanied by bill, House, No. 354) of the Massachusetts Medical Society that registered nurses shall not be liable in actions of tort for undertaking activities to restore heart action in cardiac arrest cases; the petition (accompanied by bill, House, No. 1921) of Angelo Picucci for legislation to provide for immunity from certain civil actions for members of the national ski patrol system; the petition (accompanied by bill, House, No. 3353) of Lincoln P. Cole, Jr., and another for legislation to exempt veterinarians from civil liability as a result of rendering certain emergency care; and the petition (accompanied by bill, House, No. 4862) of Donald T. Bliss and another that public employees employed as ambulance operators and attendants be exempt from civil liability as a result of rendering certain emergency care; report recommending that the accompanying bill (House, No. 5946) ought to pass.

For the committee,

J. LOUIS LEBLANC

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Two.

**AN ACT TO EXTEND THE EXEMPTION FROM CIVIL LIABILITY FOR  
EMERGENCY CARE OR TREATMENT TO CITIZENS.**

*Be it enacted by the Senate and House of Representatives in  
General Court assembled, and by the authority of the same, as  
follows:*

1 SECTION 1. Chapter 112 of the General Laws is hereby  
2 amended by striking out section 12B, as most recently amended  
3 by Chapter 343 of the Acts of 1969, and inserting in place  
4 thereof the following section: —

5 (a) No physician duly registered under the provisions of  
6 section two or two A, no optometrist, dentist, podiatrist,  
7 chiropractor or nurse duly registered or licensed under the  
8 provisions of this chapter, or resident in another state, in the  
9 District of Columbia or in a province of Canada, and duly  
10 registered therein who, in good faith, as a volunteer and without  
11 fee, renders emergency care or treatment, other than in the  
12 ordinary course of his practice, shall be liable in a suit for  
13 damages as a result of his acts or omissions, nor shall he be liable  
14 to a hospital for its expenses if, under such emergency  
15 conditions, he orders a person hospitalized or causes his  
16 admission.

17 (b) Any person who knows that another is exposed to serious  
18 physical harm shall give reasonable assistance or care to the  
19 exposed person to the extent that such assistance or care is not  
20 being provided by others, provided that such care or assistance  
21 can be rendered without danger or peril to himself or without  
22 interference with important duties owed to others.

23 (c) Any nurse duly registered or licensed under the provisions  
24 of this chapter shall not be liable in an action of tort or contract  
25 to a patient if she, in good faith within her professional  
26 competence and in the absence of a physician, undertakes  
27 activities to restore hear action in any cardiac arrest case.

28 (d) No act or omission of any rescue team operating in  
29 conjunction with an authorized emergency vehicle while  
30 attempting to resuscitate any person who is in immediate danger  
31 of loss of life shall incur any liability upon the rescue team or the  
32 owners or operators of any authorized emergency vehicle if good  
33 faith is exercised.

34 (e) For the purposes of this section "emergency vehicle" shall  
35 mean any ambulance, fire, police or recognized protective  
36 department vehicle, and "rescue team" shall mean a special group  
37 of physicians and surgeons, nurses, volunteers, or employees of the  
38 owners or operators of the authorized emergency vehicle who  
39 have been trained in cardiopulmonary resuscitation and have  
40 successfully completed the cardiopulmonary resuscitation course  
41 administered by the Massachusetts Heart Association, Inc., or an  
42 equivalent course, and have been designated by the owners or  
43 operators of the emergency vehicle to attempt to resuscitate  
44 persons who are in immediate danger of loss of life in cases of  
45 emergency.

46 (f) Any person who is registered as a member of a ski patrol  
47 within the National Ski Patrol System and who voluntarily and  
48 without the expectation of monetary compensation from the  
49 person aided or treated renders first aid, initial emergency  
50 medical aid procedures or emergency treatment at a ski area to a  
51 person who is unconscious, ill or injured shall not be liable for  
52 damages for injuries alleged to have been sustained by such  
53 person or for damages for the death of such person alleged to  
54 have occurred by reason of an act or omission in the rendering of  
55 such first aid, initial emergency medical aid procedures or  
56 emergency treatment, unless it is established that such injuries  
57 were or such death was caused willfully, wantonly, or by gross  
58 negligence on the part of such person.

59 (g) No employee of the commonwealth or of any of its  
60 political subdivisions operating an ambulance or being an  
61 attendant thereon, who in good faith, renders emergency care or  
62 treatment shall be liable in a suit for damages as a result of his  
63 acts or omissions.

1 SECTION 2. Chapter 112 of the General Laws is hereby  
2 amended by inserting after section 58 the following new section:

3    *Section 58A.* No veterinarian duly registered under the  
4 provisions of section fifty-five or resident in another state, in the  
5 District of Columbia or in a province of Canada, and duly  
6 registered therein who, in good faith, as a volunteer and without  
7 fee, renders emergency care or treatment, other than in the  
8 ordinary course of his practice, shall be liable in a suit for  
9 damages as a result of his acts or omissions, nor shall he be liable  
10 to any veterinary hospital, clinic or other establishment for its  
11 expenses if, under such emergency conditions, he orders an  
12 animal hospitalized or causes its admission.

1    SECTION 3. Section 1 and 2 of this act shall take effect  
2 upon their passage and shall apply only to causes of action arising  
3 subsequent to said date.