

As Introduced

**128th General Assembly
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S. B. No. 86

Senator Buehrer

**Cosponsors: Senators Coughlin, Faber, Gibbs, Goodman, Husted, Schaffer,
Schuler, Schuring, Stewart, Turner, Widener**

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A B I L L

To enact section 2305.2310 of the Revised Code to 1
grant qualified civil immunity to a physician who 2
provides emergency medical services, first-aid 3
treatment, or other emergency professional care in 4
compliance with the federal Emergency Medical 5
Treatment and Active Labor Act or as a result of a 6
disaster. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2305.2310 of the Revised Code be 8
enacted to read as follows: 9

Sec. 2305.2310. (A) As used in this section: 10

(1) "Disaster" means any imminent threat or actual occurrence 11
of widespread or severe damage to or loss of property, personal 12
hardship or injury, or loss of life that results from any natural 13
phenomenon or act of a human. 14

(2) "Medical claim" has the same meaning as in section 15
2305.113 of the Revised Code. 16

(3) "Physician" means an individual authorized under Chapter 17
4731. of the Revised Code to practice medicine and surgery or 18

osteopathic medicine and surgery. 19

(4) "Tort action" means a civil action for damages for 20
injury, death, or loss to person or property other than a civil 21
action for damages for a breach of contract or another agreement 22
between persons or governmental entities. "Tort action" includes 23
an action on a medical claim. 24

(B)(1) Subject to division (C)(3) of this section, a 25
physician who provides emergency medical services, first-aid 26
treatment, or other emergency professional care, including the 27
provision of any medication or other medical product, in 28
compliance with the "Emergency Medical Treatment and Active Labor 29
Act," 100 Stat. 164 (1986), 42 U.S.C. 1395dd, as amended, is not 30
liable in damages to any person in a tort action for injury, 31
death, or loss to person or property that allegedly arises from an 32
act or omission of the physician in the physician's provision of 33
those services or that treatment or care if that act or omission 34
does not constitute willful or wanton misconduct. 35

(2) Subject to division (C)(3) of this section, a physician 36
who provides emergency medical services, first-aid treatment, or 37
other emergency professional care, including the provision of any 38
medication or other medical product, as a result of a disaster is 39
not liable in damages to any person in a tort action for injury, 40
death, or loss to person or property that allegedly arises from an 41
act or omission of the physician in the physician's provision of 42
those services or that treatment or care if that act or omission 43
does not constitute willful or wanton misconduct. 44

(C)(1) This section does not create a new cause of action or 45
substantive legal right against a physician. 46

(2) This section does not affect any immunities from civil 47
liability or defenses established by another section of the 48
Revised Code or available at common law to which a physician may 49

be entitled in connection with the provision of emergency medical services, first-aid treatment, or other emergency professional care. 50
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(3) This section does not grant an immunity from tort or other civil liability to a physician for actions that are outside the scope of authority of the physician. 53
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(4) This section does not affect any legal responsibility of a physician to comply with any applicable law of this state or rule of an agency of this state. 56
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