



# HOUSE BILL No. 5007

October 19, 1999, Introduced by Rep. Kukuk and referred to the Committee on Family and Civil Law.

A bill to amend 1963 PA 17, entitled

"An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,"

(MCL 691.1501 to 691.1507) by amending the title, as amended by 1987 PA 30, and by adding section 3.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### TITLE

An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when ~~participating in a mass immunization program approved by the department of public health~~ RENDERING UNCOMPENSATED CARE UNDER CERTAIN CIRCUMSTANCES.

1        SEC. 3. (1) A PHYSICIAN WHO PROVIDES NONEMERGENCY MEDICAL  
2 CARE TO A PATIENT WITHOUT RECEIVING COMPENSATION FOR PROVIDING  
3 THE NONEMERGENCY MEDICAL CARE IS NOT LIABLE IN A CIVIL ACTION FOR  
4 DAMAGES FOR ACTS OR OMISSIONS IN PROVIDING THE NONEMERGENCY MEDI-  
5 CAL CARE, UNLESS THE ACTS OR OMISSIONS WERE THE RESULT OF GROSS  
6 NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT OR WERE INTENDED TO  
7 INJURE THE PATIENT.

8        (2) AS USED IN THIS SECTION:

9        (A) "COMPENSATION" MEANS RECEIPT OF PAYMENT OR EXPECTED  
10 RECEIPT OF PAYMENT DIRECTLY FROM A PATIENT OR FROM A PUBLIC OR  
11 PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN ON BEHALF OF THE  
12 PATIENT OR INDIRECTLY IN THE FORM OF WAGES, SALARY, OR OTHER  
13 VALUABLE CONSIDERATION PURSUANT TO AN EMPLOYMENT OR SERVICE  
14 AGREEMENT.

15        (B) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTIONS 17001  
16 AND 17501 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17001  
17 AND 333.17501.