

HOUSE BILL No. 5077

October 10, 2017, Introduced by Rep. Singh and referred to the Committee on Judiciary.

A bill to impose a duty on individuals to assist other individuals who are exposed to physical harm; to limit civil liability of individuals who provide assistance; and to impose penalties for failing to act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "duty
2 to act law".

3 Sec. 2. As used in this act:

4 (a) "Gross negligence" means conduct so reckless as to
5 demonstrate a substantial lack of concern for whether an injury
6 results.

7 (b) "Health professional" means an individual who is licensed
8 under article 15 of the public health code, 1978 PA 368, MCL
9 333.16101 to 333.18838.

1 Sec. 3. (1) An individual who knows that another individual is
2 exposed to grave physical harm shall give reasonable assistance to
3 the exposed individual to the extent that the assistance can be
4 rendered without danger or peril to himself or herself and without
5 interference with important duties owed to others, and unless the
6 assistance is being provided by others.

7 (2) An individual who provides assistance under subsection (1)
8 is not liable in civil damages unless his or her acts constitute
9 gross negligence or unless he or she will receive or expects to
10 receive remuneration.

11 (3) A violation of this section is a misdemeanor punishable by
12 imprisonment for not more than 90 days or a fine of not more than
13 \$500.00, or both.

14 Sec. 4. (1) This act does not alter existing law concerning
15 tort liability of a health professional for acts committed in the
16 ordinary course of the health professional's practice.

17 (2) This act does not limit any other liability that may be
18 afforded under law to an individual who has a duty to act under
19 this act.