



Senate

General Assembly

File No. 609

January Session, 2021

Substitute Senate Bill No. 939

Senate, April 26, 2021

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE CIVIL LIABILITY OF A PHYSICIAN WHO ASSISTS A SWAT TEAM AND AN ARCHITECT WHO EVALUATES SAFETY ELEMENTS IN THE AFTERMATH OF A MAJOR DISASTER OR EMERGENCY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2021*) Any person licensed to
2 practice medicine and surgery under the provisions of chapter 370 of
3 the general statutes, who, voluntarily and gratuitously and other than
4 in the course of such person's employment or practice, renders
5 emergency medical assistance in connection with the law enforcement
6 duties of a state, regional or municipal special weapons and tactics team,
7 shall not be liable to any person assisted for civil damages for any
8 personal injuries that result from acts or omissions by such licensed
9 person in rendering emergency medical assistance, which may
10 constitute ordinary negligence. The immunity provided in this section
11 shall not apply to acts or omissions constituting gross, wilful or wanton
12 negligence.

13 Sec. 2. (NEW) (*Effective October 1, 2021*) (a) Any architect licensed
14 pursuant to chapter 390 of the general statutes who, at the request of,
15 under the direction of, or in connection with a public safety official,
16 voluntarily and without compensation, acts in good faith to assist such
17 official evaluating the safety of elements of a built environment in the
18 aftermath of a major disaster or emergency, as those terms are defined
19 in section 28-1 of the general statutes, shall:

20 (1) Be held to the same standard of care applicable to a public safety
21 official who would have performed an evaluation of the safety elements
22 of a built environment, if not for the major disaster or emergency, and

23 (2) Be subject to civil liability only upon a finding that the architect
24 failed to act as a reasonably prudent public safety official, as applicable
25 to the circumstances, would have acted under the same or similar
26 circumstances.

27 (b) The provisions of subsection (a) of this section shall exclusively
28 apply to acts or omissions by an architect that occur during the time
29 period that a declaration of a civil preparedness emergency pursuant to
30 section 28-9 of the general statutes is effective or for sixty days after the
31 issuance of such declaration, whichever is longer.

32 (c) For purposes of this section:

33 (1) "Built environment" means a human-made environment,
34 including homes, buildings, streets, sidewalks, parks and
35 transportation, energy and other infrastructure; and

36 (2) "Public safety official" means:

37 (A) A state or municipal police officer or firefighter;

38 (B) A building official or assistant building official under section 29-
39 261 of the general statutes or the State Building Inspector or his or her
40 designee under section 29-252 of the general statutes;

41 (C) A member of a community emergency response team that is

42 activated by the Department of Emergency Services and Public
43 Protection, a local emergency preparedness official or a municipal police
44 agency;

45 (D) An official from the Department of Emergency Services and
46 Public Protection; or

47 (E) An official from the Federal Emergency Management Agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	New section
Sec. 2	October 1, 2021	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill grants civil immunity to physicians and architects in specified situations and does not result in a fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 939*****AN ACT CONCERNING THE CIVIL LIABILITY OF A PHYSICIAN WHO ASSISTS A SWAT TEAM AND AN ARCHITECT WHO EVALUATES SAFETY ELEMENTS IN THE AFTERMATH OF A MAJOR DISASTER OR EMERGENCY.*****SUMMARY**

This bill specifically grants civil immunity to physicians who voluntarily, without compensation, and other than in the course of employment or practice, give emergency medical assistance in connection with a special weapons and tactics (SWAT) team's law enforcement duties.

The bill also grants civil immunity to architects who assist certain public safety officials in evaluating the safety of built environment elements following certain major disasters or emergencies.

EFFECTIVE DATE: October 1, 2021

PHYSICIANS' IMMUNITY

Under the bill:

1. physicians are not liable for civil damages for personal injuries resulting from ordinary negligence in their acts or omissions in giving the assistance described above;
2. the immunity applies whether the physicians are assisting a state, regional, or local SWAT team; and
3. as under existing law, the immunity does not apply to gross, willful, or wanton negligence.

Existing law already grants civil immunity for ordinary negligence to physicians who voluntarily, without compensation, and other than in

the ordinary course of employment or practice, give emergency assistance to people in need (CGS § 52-557b(a)).

ARCHITECTS' IMMUNITY

Under the bill, to receive civil immunity, the architect's assistance must be:

1. at the request of, under the direction of, or in connection with a public safety official;
2. voluntary and without compensation; and
3. done in good faith.

An architect whose assistance meets these requirements is not liable for civil damages unless he or she failed to act as a reasonably prudent public safety official would have acted under the same or similar circumstances. Additionally, the bill applies to these architects the same standard of care that applies to public safety officials evaluating built environment (see below) elements during situations other than major disasters or emergencies (it is not clear what that standard of care is under existing law).

These provisions apply to an architect's acts or omissions that occur during the time period a civil preparedness emergency declaration is effective or for 60 days after the declaration is issued, whichever is longer.

DEFINITIONS

Built Environment

Under the bill, a "built environment" is a human-made environment, including homes, buildings, streets, sidewalks, and parks as well as transportation, energy, and other infrastructure.

Public Safety Official

Additionally, under the bill, a "public safety official" is (1) a state or municipal police officer or firefighter; (2) a building or assistant building

official; (3) the state building inspector or his designee; (4) a community emergency response team member activated by the Department of Emergency Services and Public Protection (DESPP), a local emergency preparedness official, or a municipal police agency; (5) a DESPP official; or (6) a Federal Emergency Management Agency official.

Major Disaster

By law, and under the bill, a “major disaster” is any catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, any fire, flood, explosion, or man-made disaster in Connecticut that (1) the president determines causes damage that warrants major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to supplement the efforts and available resources of the state, municipal governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering the catastrophe caused or (2) the governor determines requires a civil preparedness emergency declaration (CGS § 28-1(2)).

Emergency

Additionally, an “emergency” is any instance in which the governor or president determines state or federal assistance is needed to supplement state or local efforts and capabilities to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster or catastrophe in Connecticut (CGS § 28-1(3)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 33 Nay 1 (04/09/2021)