

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 07-043

BY SENATOR(S) Mitchell S., Brophy, Harvey, May R., Spence, Groff, Kester, Kopp, Penry, Renfroe, Schultheis, Taylor, Ward, Wiens, McElhany, and Tochtrop;
also REPRESENTATIVE(S) Todd, Balmer, Cadman, Gardner C., Kerr J., Liston, Looper, Lundberg, Marostica, Stafford, Swalm, White, Witwer, Gardner B., Green, Hicks, Lambert, Massey, May M., Roberts, Stephens, and Summers.

CONCERNING AN EXEMPTION FROM CIVIL LIABILITY FOR CERTAIN HEALTH CARE PROVIDERS WHO RENDER EMERGENCY ASSISTANCE TO PERSONS INJURED IN SCHOLASTICALLY SPONSORED COMPETITIVE SPORTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 21 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-21-108.2. Persons rendering emergency assistance - competitive sports - exemption from civil liability. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON LICENSED AS A PHYSICIAN, OSTEOPATH, CHIROPRACTOR, NURSE, PHYSICAL THERAPIST, PODIATRIST, DENTIST, OR OPTOMETRIST OR CERTIFIED AS AN EMERGENCY MEDICAL TECHNICIAN UNDER TITLE 25, C.R.S., WHO, IN GOOD FAITH AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

WITHOUT COMPENSATION, RENDERS EMERGENCY CARE OR EMERGENCY ASSISTANCE, INCLUDING BUT NOT LIMITED TO SIDELINE OR ON-FIELD CARE AS A TEAM HEALTH CARE PROVIDER, TO AN INDIVIDUAL REQUIRING EMERGENCY CARE OR EMERGENCY ASSISTANCE AS A RESULT OF HAVING ENGAGED IN A COMPETITIVE SPORT, IS NOT LIABLE FOR CIVIL DAMAGES AS A RESULT OF ACTS OR OMISSIONS BY THE PHYSICIAN, OSTEOPATH, CHIROPRACTOR, NURSE, PHYSICAL THERAPIST, PODIATRIST, DENTIST, OR OPTOMETRIST OR PERSON CERTIFIED AS AN EMERGENCY MEDICAL TECHNICIAN UNDER TITLE 25, C.R.S.

(b) THE PROVISIONS OF THIS SUBSECTION (1) SHALL APPLY TO THE RENDERING OF EMERGENCY CARE OR EMERGENCY ASSISTANCE TO A MINOR EVEN IF THE PHYSICIAN, OSTEOPATH, CHIROPRACTOR, NURSE, PHYSICAL THERAPIST, PODIATRIST, DENTIST, OR OPTOMETRIST OR THE PERSON CERTIFIED AS AN EMERGENCY TECHNICIAN UNDER TITLE 25, C.R.S., DOES NOT OBTAIN PERMISSION FROM THE PARENT OR LEGAL GUARDIAN OF THE MINOR BEFORE RENDERING THE CARE OR ASSISTANCE, PROVIDED HOWEVER, THAT IF A PARENT OR GUARDIAN REFUSES THE RENDERING OF EMERGENCY CARE, THIS SUBSECTION (1) SHALL NOT APPLY.

(2) THE EXEMPTION FROM CIVIL LIABILITY DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO:

(a) ACTS OR OMISSIONS THAT CONSTITUTE GROSS NEGLIGENCE OR WILLFUL AND WANTON CONDUCT; OR

(b) ACTS OR OMISSIONS THAT ARE OUTSIDE THE SCOPE OF THE LICENSE HELD BY THE PHYSICIAN, OSTEOPATH, CHIROPRACTOR, NURSE, PHYSICAL THERAPIST, PODIATRIST, DENTIST, OR OPTOMETRIST OR OUTSIDE THE SCOPE OF THE CERTIFICATE HELD BY A PERSON WHO IS CERTIFIED AS AN EMERGENCY MEDICAL TECHNICIAN UNDER TITLE 25, C.R.S.

(3) AS USED IN THIS SECTION, "COMPETITIVE SPORT" MEANS A SPORT CONDUCTED AS PART OF A PROGRAM SPONSORED BY A PUBLIC OR PRIVATE SCHOOL THAT PROVIDES INSTRUCTION IN ANY GRADE FROM KINDERGARTEN THROUGH TWELFTH GRADE, OR SPONSORED BY A PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY OR BY ANY LEAGUE, CLUB, OR ORGANIZATION THAT PROMOTES SPORTING EVENTS.

(4) THE GENERAL ASSEMBLY DECLARES THAT THE INTENT OF THIS

SECTION IS TO CLARIFY AND NOT TO EXPAND OR LIMIT THE SCOPE OF SECTION 13-21-108.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2007, and shall apply to emergency care and emergency assistance rendered on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO