

Legislative Analysis



LIABILITY PROTECTION TO INDIVIDUALS VOLUNTARILY PROVIDING BLEEDING CONTROL MEASURES

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4108 as introduced
Sponsor: Rep. David Prestin

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4847 as introduced
Sponsor: Rep. Steve Frisbie

Committee: Health Policy
Complete to 9-9-25

SUMMARY:

House Bill 4108 would amend the Good Samaritan Act to extend civil liability protection to individuals who voluntarily provide bleeding control in an emergency.

The act currently shields certain individuals from liability when they administer emergency care in specific situations. The bill would add protection from liability for damages for anyone who, in good faith and under no obligation to do so, assists in an emergency medical situation by applying bleeding control measures such as:

- Direct pressure.
- Applying a dressing.
- Wound packing.
- Using a tourniquet.

However, the immunity from liability proposed by the bill would not extend to an act or omission that constitutes gross negligence or willful or wanton misconduct.

Proposed MCL 691.1508

House Bill 4847 would amend 2006 PA 23, which regulates certain health clubs with respect to potential medical emergencies, to ensure consistency with the Good Samaritan Act.

The act generally requires health clubs to have an automated external defibrillator (AED) available on the premises; employ at least one individual who has learned basic first aid, basic CPR, and AED use; and have a plan to address medical emergencies during the hours of operation. However, the act states that it does not create a duty to use the health club's AED to render emergency service to an individual. The act also says that nothing in it limits the liability protections provided under the Good Samaritan Act.

The bill would amend the above provisions to ensure that the reference to the Good Samaritan Act includes the liability protections related to bleeding control proposed by House Bill 4108.

MCL 333.26313

The bill cannot take effect unless both bills are enacted.

FISCAL IMPACT:

House Bill 4108 could have an indeterminate fiscal impact on the state and on local units of government depending on the number and circumstances of acts or omissions that constitute gross negligence or willful and wanton misconduct, and the extent to which the offenses result in civil or criminal liability. Because there is no way to determine the number of acts or omissions that would occur, there is no way to estimate a fiscal impact. The fiscal impact on local court systems would depend on how provisions of the bill affect court caseloads and related administrative costs.

House Bill 4847 would have no fiscal impact on the state or on local units of government.

Legislative Analyst: Leah R. Doemer
Fiscal Analyst: Robin Risko

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