

2A:62A-19

LEGISLATIVE HISTORY CHECKLIST  
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(Emergency medical technicians)

NJSA: 2A:62A-19

LAWS OF: 1992 CHAPTER: 196

BILL NO: S826

SPONSOR(S) Cafiero

DATE INTRODUCED: May 14, 1992

COMMITTEE: ASSEMBLY: ---

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: December 14, 1992

SENATE: October 5, 1992

DATE OF APPROVAL: December 22, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]

SENATE, No. 826

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1992

By Senator CAFIERO

1 AN ACT concerning immunity from civil liability in certain cases  
2 and immunity from civil and criminal liability in certain  
3 cases<sup>1</sup>; amending P.L.1986, c.189<sup>1</sup> and supplementing Title 2A  
4 of the New Jersey Statutes.

5  
6 BE IT ENACTED *by the Senate and General Assembly of the*  
7 *State of New Jersey:*

8 1. a. Notwithstanding any other provision of law to the  
9 contrary, no emergency medical technician who, without  
10 compensation, trains or instructs other persons in basic life  
11 support services shall be liable in any action for damages as a  
12 result of his acts of commission or omission arising out of and in  
13 the course of that training or instruction.

14 b. (1) Nothing in this section shall be deemed to grant  
15 immunity to any person causing damage by his willful or wanton  
16 act of commission or omission.

17 (2) Nothing in this section shall be deemed to grant immunity  
18 to any person causing damage as the result of the person's  
19 operation of a motor vehicle.

20 c. As used in this section:

21 (1) "Basic life support services" shall include but not be  
22 limited to: patient stabilization, airway clearance,  
23 cardiopulmonary resuscitation, hemorrhage control, initial wound  
24 care and fracture stabilization.

25 (2) "Emergency medical technician" means a person who is  
26 trained in basic life support services and who is certified by the  
27 Department of Health to perform these services.

28 <sup>1</sup>2. Section 1 of P.L.1986, c.189 (C.2A:62A-10) is amended to  
29 read as follows:

30 1. a. When acting in response to a request of a [State, county  
31 or municipal law enforcement officer, a county prosecutor or his  
32 assistant, the Attorney General or his deputy; or a State or  
33 county medical examiner] law enforcement officer, any  
34 physician, nurse or medical technician who withdraws or  
35 otherwise obtains, in a medically accepted manner, a specimen of  
36 breath, blood, urine or other bodily substance and delivers it to  
37 [the law enforcement officers specified herein] a law  
38 enforcement officer, shall be immune from civil or criminal  
39 liability for so acting, provided the skill and care exercised is  
40 that ordinarily required and exercised by others in the profession.

41 b. Any physician, nurse or medical technician who, for an  
42 accepted medical purpose, withdraws or otherwise obtains, in a

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SJU committee amendments adopted October 1, 1992.

1 medically accepted manner, a specimen of breath, blood, urine or  
2 other bodily substance and subsequently delivers it to a law  
3 enforcement officer either voluntarily or upon court order, shall  
4 be immune from civil or criminal liability for so acting, provided  
5 the skill and care exercised in obtaining the specimen is that  
6 ordinarily required and exercised by others in the profession.

7 c. The immunity from civil or criminal liability provided in  
8 subsections a. and b. of this section shall extend to the hospital or  
9 other medical facility on whose premises or under whose auspices  
10 the specimens are obtained, provided the skill, care and facilities  
11 provided are those ordinarily so provided by similar medical  
12 facilities.

13 d. For the purposes of this section, the term "law enforcement  
14 officer" includes a State, county or municipal police officer, a  
15 county prosecutor or his assistant, the Attorney General or his  
16 deputy or a State or county medical examiner.<sup>1</sup>

17 (cf: P.L.1986, c.189, s.1)

18 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.

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23 Grants civil immunity to emergency medical technicians in  
24 certain cases and civil and criminal immunity to physicians,  
25 nurses or medical technicians who obtain certain specimens.

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25 Department of Health to perform these services.

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STATEMENT

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31 This bill would grant civil immunity to emergency medical  
32 technicians who, without compensation, teach basic life support  
33 services to other persons.

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38 Grants civil immunity to emergency medical technicians in  
39 certain cases.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 826**

with committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 1, 1992

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 826.

This bill would grant civil immunity to emergency medical technicians who, without compensation, teach basic life support services to other persons. As defined in the bill, "basic life support services" includes but is not limited to: patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization. "Emergency medical technician" means a person who is trained in basic life support services and who is certified by the Department of Health to perform these services.

The amendments adopted by the committee add a new section to the bill amending N.J.S.A.2A:62A-10 which presently provides immunity from civil or criminal liability for medical personnel who deliver breath, blood or urine specimens, specimens of other bodily substances, or the test results thereof, to law enforcement officers. Currently, the law grants such an immunity only in cases where specimens are turned over at the specific request of law enforcement officer. The bill would also make immunity applicable in cases where medical personnel voluntarily provide specimens or test results without a prior request or in response to a court order.