



February 12, 2020

ENGROSSED HOUSE BILL No. 1198

DIGEST OF HB 1198 (Updated February 11, 2020 11:53 am - DI 133)

Citations Affected: IC 10-10.5; IC 16-31; IC 34-30.

Synopsis: Public safety matters. Designates an Indiana first responder to include the following employees and volunteers of state and local public safety agencies: (1) Law enforcement officers. (2) Firefighters, including volunteer firefighters. (3) Corrections officers. (4) Public safety telecommunicators. (5) Providers of emergency medical services. (6) Providers of emergency management services. (7) Any other individuals whose duties in serving a public safety agency include rapid emergency response. Provides that the designation of an individual as an Indiana first responder does not affect an individual's terms of employment or volunteer service with the public safety agency. Provides that a certified emergency medical technician or a licensed paramedic is not liable for transporting any person to an appropriate health care facility when the emergency medical technician or the licensed paramedic makes a good faith judgment that the emergency patient or the emergency patient's primary caregiver lacks the capacity to make an informed decision about the patient's: (1) safety; or (2) need for medical attention; and the emergency patient is reasonably likely to suffer disability or death without the medical intervention available at the facility.

Effective: July 1, 2020.

**Abbott, Frye R, Bacon, Macer,
Klinker**

(SENATE SPONSOR — GLICK)

January 13, 2020, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 23, 2020, amended, reported — Do Pass.

January 27, 2020, read second time, ordered engrossed. Engrossed.

January 28, 2020, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 5, 2020, read first time and referred to Committee on Homeland Security and Transportation.

February 11, 2020, reported favorably — Do Pass.

EH 1198—LS 6757/DI 87



February 12, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1198

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 10-10.5 IS ADDED TO THE INDIANA CODE AS
2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2020]:
4 **ARTICLE 10.5. STATE AND LOCAL PUBLIC SAFETY**
5 **Chapter 1. Definitions**
6 **Sec. 1. The definitions in this chapter apply throughout this**
7 **article.**
8 **Sec. 2. "Indiana first responder" means an individual who:**
9 **(1) is employed by; or**
10 **(2) serves as a volunteer for;**
11 **a public safety agency and whose duties include responding rapidly**
12 **to an emergency.**
13 **Sec. 3. "Law enforcement officer" means any of the following:**
14 **(1) A state police officer, enforcement officer of the alcohol**
15 **and tobacco commission, or conservation officer.**
16 **(2) A county, city, or town police officer.**
17 **(3) A police officer appointed by a state educational institution**

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1 under IC 21-39-4 or school corporation under IC 20-26-16.

2 (4) A gaming agent under IC 4-33-4.5 or a gaming control
3 officer under IC 4-33-20.

4 Sec. 4. As used in this chapter, "PSAP" refers to a public safety
5 answering point:

- 6 (1) that operates on a twenty-four (24) hour basis; and
7 (2) whose primary function is to receive incoming requests for
8 emergency assistance and relay those requests to an
9 appropriate responding public safety agency.

10 Sec. 5. "Public safety agency" means a state or local:

- 11 (1) law enforcement agency;
12 (2) fire protection agency (including a volunteer fire
13 department);
14 (3) PSAP;
15 (4) emergency management agency; or
16 (5) correctional institution.

17 Sec. 6. "Public safety telecommunicator" means an individual
18 who answers or dispatches 911 emergency calls on behalf of a
19 public safety agency.

20 Chapter 2. Indiana First Responders

21 Sec. 1. The state of Indiana designates the following individuals
22 to be Indiana first responders:

- 23 (1) A law enforcement officer.
24 (2) A firefighter, including a volunteer firefighter.
25 (3) A corrections officer.
26 (4) A public safety telecommunicator.
27 (5) An emergency medical technician, emergency medical
28 responder, or paramedic.
29 (6) An individual performing emergency management
30 services subject to the order or control of, or under a request
31 of, the state or local government, including a volunteer health
32 practitioner registered under IC 10-14-3.5.
33 (7) Any individual serving in an employee or volunteer
34 capacity for a public safety agency, whose duties include rapid
35 emergency response.

36 Chapter 3. Effect

37 Sec. 1. The designation of an individual as an Indiana first
38 responder under this article does not affect the individual's terms
39 of employment or volunteer status, including:

- 40 (1) assigned duties and responsibilities;
41 (2) contract terms;
42 (3) personnel classification;



- 1 **(4) merit or nonmerit employee status; or**
 2 **(5) eligibility or lack of eligibility for compensation,**
 3 **reimbursement, benefits, allowances, or worker's**
 4 **compensation.**

5 SECTION 2. IC 16-31-6-1, AS AMENDED BY P.L.77-2012,
 6 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 1. (a) A certified emergency medical technician
 8 who provides emergency medical services to an emergency patient is
 9 not liable for an act or omission in providing those services unless the
 10 act or omission constitutes negligence or willful misconduct. If the
 11 emergency medical technician is not liable for an act or omission, no
 12 other person incurs liability by reason of an agency relationship with
 13 the emergency medical technician.

14 (b) This section does not affect the liability of a driver of an
 15 ambulance for negligent operation of the ambulance.

16 (c) **Except as provided in subsections (a) and (b), a certified**
 17 **emergency medical technician or a licensed paramedic who**
 18 **provides emergency medical services is not liable for transporting**
 19 **any person to an appropriate health care facility when the**
 20 **emergency medical technician or the licensed paramedic makes a**
 21 **good faith judgment that the emergency patient or the emergency**
 22 **patient's primary caregiver lacks the capacity to make an informed**
 23 **decision about the patient's:**

24 **(1) safety; or**

25 **(2) need for medical attention;**

26 **and the emergency patient is reasonably likely to suffer disability**
 27 **or death without the medical intervention available at the facility.**

28 SECTION 3. IC 34-30-2-68 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 68. IC 16-31-6-1
 30 (Concerning ambulance attendants and certified emergency medical
 31 technicians who render emergency ambulance services **and certified**
 32 **emergency medical technicians or licensed paramedics who**
 33 **provide emergency medical services).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1198, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, after "answers" insert "**or dispatches**".

Page 3, after line 4, begin a new paragraph and insert:

"SECTION 2. IC 16-31-6-1, AS AMENDED BY P.L.77-2012, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A certified emergency medical technician who provides emergency medical services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the emergency medical technician is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the emergency medical technician.

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

(c) Except as provided in subsections (a) and (b), a certified emergency medical technician or a licensed paramedic who provides emergency medical services is not liable for transporting any person to an appropriate health care facility when the emergency medical technician or the licensed paramedic makes a good faith judgment that the emergency patient or the emergency patient's primary caregiver lacks the capacity to make an informed decision about the patient's:

(1) safety; or

(2) need for medical attention;

and the emergency patient is reasonably likely to suffer disability or death without the medical intervention available at the facility.

SECTION 3. IC 34-30-2-68 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 68. IC 16-31-6-1 (Concerning ambulance attendants and certified emergency medical technicians who render emergency ambulance services **and certified emergency medical technicians or licensed paramedics who provide emergency medical services**)."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to HB 1198 as introduced.)

FRYE R

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1198, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1198 as printed January 24, 2020.)

CRIDER, Chairperson

Committee Vote: Yeas 7, Nays 0

