

# HOUSE BILL No. 1425

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-31-6; IC 34-30-12.2.

**Synopsis:** Liability for emergency medical services. Changes the emergency medical services civil liability standard to gross negligence. Provides emergency vehicle operators civil immunity for an act or omission committed by the operator while operating an emergency vehicle.

**Effective:** July 1, 2021.

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January 14, 2021, read first time and referred to Committee on Judiciary.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1425

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

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

1 SECTION 1. IC 16-31-6-1, AS AMENDED BY P.L.113-2020,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 1. (a) A certified emergency medical technician  
4 who provides emergency medical services to an emergency patient is  
5 not liable for an act or omission in providing those services unless the  
6 act or omission constitutes **gross** negligence or willful misconduct. If  
7 the emergency medical technician is not liable for an act or omission,  
8 no other person incurs liability by reason of an agency relationship with  
9 the emergency medical technician.

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

12 (c) Except as provided in subsections (a) and (b), a certified  
13 emergency medical technician or a licensed paramedic who provides  
14 emergency medical services is not liable for transporting any person to  
15 an appropriate health care facility when the emergency medical  
16 technician or the licensed paramedic makes a good faith judgment that  
17 the emergency patient or the emergency patient's primary caregiver



1 lacks the capacity to make an informed decision about the patient's:

2 (1) safety; or

3 (2) need for medical attention;

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

6 SECTION 2. IC 16-31-6-2, AS AMENDED BY P.L.77-2012,  
7 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2021]: Sec. 2. (a) Except for an act of **gross** negligence or  
9 willful misconduct, a certified emergency medical responder who uses  
10 an automatic or semiautomatic defibrillator on an emergency patient  
11 according to the training procedures established by the commission  
12 under IC 16-31-2-9 is immune from civil liability for acts or omissions  
13 when rendering those services.

14 (b) If the emergency medical responder is immune from civil  
15 liability for the emergency medical responder's act or omission, a  
16 person who has only an agency relationship with the emergency  
17 medical responder is also immune from civil liability for the act or  
18 omission.

19 SECTION 3. IC 16-31-6-3, AS AMENDED BY P.L.77-2012,  
20 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2021]: Sec. 3. An act or omission of a paramedic or an  
22 advanced emergency medical technician done or omitted in good faith  
23 while providing advanced life support to a patient or trauma victim  
24 does not impose liability upon the paramedic or advanced emergency  
25 medical technician, the authorizing physician, the hospital, or the  
26 officers, members of the staff, nurses, or other employees of the  
27 hospital or the local governmental unit if the advanced life support is  
28 provided:

29 (1) in connection with an emergency;

30 (2) in good faith; and

31 (3) under the written or oral direction of a licensed physician;

32 unless the act or omission was a result of **gross** negligence or willful  
33 misconduct.

34 SECTION 4. IC 34-30-12.2 IS ADDED TO THE INDIANA CODE  
35 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2021]:

37 **Chapter 12.2. Health Care: Immunity of Emergency Vehicle**  
38 **Operators.**

39 **Sec. 1. As used in this chapter, "emergency vehicle" means a**  
40 **vehicle certified as an ambulance under IC 16-31-3.**

41 **Sec. 2. As used in this chapter, "emergency vehicle operator"**  
42 **means the driver of a vehicle that is:**



1           (1) certified as an ambulance under IC 16-31-3, and;  
2           (2) actively being used for emergency ambulance services (as  
3           defined in IC 16-18-2-107).  
4           Sec. 3. (a) Except as provided in subsection (b), an emergency  
5           vehicle operator is immune from civil liability for an act or  
6           omission committed by the operator while operating an emergency  
7           vehicle within the scope of the operator's employment.  
8           (b) The immunity described in subsection (a) does not apply if  
9           the operator's act or omission constitutes gross negligence or  
10          willful or wanton misconduct.

