

ARIZONA STATE SENATE

RESEARCH STAFF



CHERIE STONE

LEGISLATIVE RESEARCH ANALYST
HEALTH & HUMAN SERVICES COMMITTEE
Telephone: (602) 926-3171

TO: MEMBERS OF THE SENATE
HEALTH & HUMAN SERVICES
COMMITTEE

DATE: February 19, 2020

SUBJECT: Strike everything amendment to S.B. 1291, relating to emergency assistance; falls; liability

Purpose

Exempts a person from civil liability for providing emergency care or assistance to a person who has fallen, under specified circumstances. Requires skilled nursing and assisted living facilities to provide fall prevention and recovery training to facility staff.

Background

Statute includes various Good Samaritan laws that provide individuals who render emergency care or emergency assistance in specified circumstances relief from liability for civil damages, with certain exceptions. For example, a person who uses an automated external defibrillator to provide emergency care or assistance in good faith and without compensation while at the scene of any accident, fire or other life-threatening emergency is considered a Good Samaritan and is not subject to civil liability for personal injuries that result from any act or omission that does not constitute willful misconduct or gross negligence ([A.R.S. § 36-2263](#)).

Similarly, statute provides an exemption from liability in a civil action to a person who enters an unattended motor vehicle to remove a child or domestic animal if the person: 1) has a good faith belief that the child or animal is in imminent danger of physical injury or death unless removed from the vehicle; 2) determines that the motor vehicle is locked; 3) notifies a peace officer, emergency medical service provider or first responder, or an animal control enforcement agent or deputy before entering the motor vehicle, if appropriate; 4) does not use more force than necessary under the circumstances to enter the motor vehicle; and 5) stays with the child or animal until the authorities arrive ([A.R.S. § 12-558.02](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Immunizes a person who in good faith renders emergency care or emergency assistance to a person who has fallen from liability for civil damages that result from any act or omission by the person providing the emergency care or assistance, unless the person acted with gross negligence while providing the care or assistance, under the following circumstances:
 - a) the person renders aid at the specific direction of an emergency dispatch operator;
 - b) the person renders aid to prevent further imminent and serious injury; or
 - c) the fallen person appears to be uninjured, asserts that the person was not injured and requests to be assisted to a sitting or standing position.

STRIKER MEMO

S.B. 1291

Page 2

2. Requires skilled nursing facilities and assisted living facilities to develop and administer a fall recovery and prevention training program (training program) for facility staff.
3. Specifies that the training program must include initial training and continued competency in fall prevention and recovery.
4. Permits skilled nursing and assisted living facilities to use information and training materials from the Arizona Falls Prevention Coalition in developing the training program.
5. Becomes effective on the general effective date.