

SENATE No. 2149

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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SENATE, Monday, February 29, 2016

The committee on Public Health to whom was referred the petitions (accompanied by bill, Senate, No. 1218) of Michael F. Rush, Michael O. Moore, Paul McMurtry, Jason M. Lewis and other members of the General Court for legislation relative to liability protection for disaster volunteers; and (accompanied by bill, House, No. 1956) of Sean Garballey and others relative to liability protection for disaster volunteers,- reports the accompanying bill (Senate, No. 2149).

For the committee,
Jason M. Lewis

SENATE No. 2149

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An Act relative to liability protection for disaster volunteers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by adding the following sections:-

3 Section 12C ½.

4 (a) As used in this section, the following words, shall, unless the context clearly requires
5 otherwise, have the following meanings:-

6 “Disaster”, an emergency detrimental to the public health declared by the governor of the
7 commonwealth under section 2A of chapter 17; a state of emergency declared by the governor
8 under chapter 639 of the acts of 1950 (“Civil Defense Act”); or a public health incident where
9 local public health authorities have issued a request for volunteers because local resources have
10 been or are expected to be exhausted or are insufficient.

11 “Patient”, an individual who receives health services from a licensed registered nurse
12 during a declared disaster or emergency.

13 “Volunteer”, a licensed registered nurse in good standing who volunteers his services in a
14 disaster or emergency without compensation or expectation of payment.

15 (b) A registered nurse licensed in the commonwealth with no encumbrance on his/her
16 license who provides oversight or direct care to patients who are victims of a disaster or
17 emergency declared by the governor of the commonwealth of Massachusetts or local public
18 health authorities is not subject to licensure board discipline under sections 74 to 81C of chapter
19 112 of the general laws, or to civil or criminal liability or prosecution for any injury or harm that
20 results from any act or omission that does not amount to criminal negligence:

21 (c) A volunteer who sustains injury, disability or who dies while serving as a volunteer
22 shall be considered an employee of the commonwealth and shall be compensated as state
23 employees under the provisions of sections 69 through 75 of chapter 152 of the General Laws.