

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1416 Session of  
1999

INTRODUCED BY KENNEY, ADOLPH, ALLEN, BARRAR, CHADWICK, CLARK, CLYMER, CORNELL, CORRIGAN, COY, DEMPSEY, DERMODY, EGOLF, FAIRCHILD, FICHTER, FLICK, FRANKEL, GEIST, GRUCELA, HARHAI, HUTCHINSON, MASLAND, McCALL, NAILOR, ORIE, PISTELLA, RAYMOND, ROBERTS, SANTONI, SATHER, SAYLOR, SCHRODER, SEYFERT, SOLOBAY, STABACK, STERN, E. Z. TAYLOR, J. TAYLOR, TIGUE, VANCE, WOGAN, ZIMMERMAN, CAWLEY, CIVERA, SNYDER, HORSEY, STEVENSON, RUBLEY, R. MILLER, WOJNAROSKI, L. I. COHEN AND LEVDANSKY, MAY 3, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MAY 3, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for civil  
3 immunity of school officers or employees relating to  
4 emergency care, first aid and rescue.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 8337.1. Civil immunity of school officers or employees  
10 relating to emergency care, first aid and rescue.

11 (a) General rule.--An officer or employee of a school who in  
12 good faith believes that a student needs emergency care, first  
13 aid or rescue and who provides such emergency care, first aid or  
14 rescue to the student or who removes the student receiving such  
15 emergency care, first aid or rescue to a hospital or other place  
16 of medical care shall be immune from civil liability as a result

1 of any acts or omissions by the officer or employee, except any  
2 acts or omissions intentionally designed to seriously harm or  
3 any grossly negligent acts or omissions which result in serious  
4 bodily harm to the student receiving emergency care.

5 (b) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection:

8 "Good faith." Includes, but is not limited to, a reasonable  
9 nonmedical opinion that the immediacy of the situation is such  
10 that the rendering of care should not be postponed.

11 "Officer or employee of a school." A school director,  
12 principal, superintendent, teacher, guidance counselor, support  
13 staff member or other educational or medical employee employed  
14 in a day or residential school which provides preschool,  
15 kindergarten, elementary or secondary education in this  
16 Commonwealth, at either a public or nonpublic school.

17 Section 2. This act shall take effect in 60 days.