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AB-1376 Emergency medical services: liability limitation. (2023-2024)

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Assembly Bill No. 1376

CHAPTER 474

An act to add Section 1799.115 to the Health and Safety Code, relating to emergency medical services.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1376, Juan Carrillo. Emergency medical services: liability limitation.

The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act governs local emergency medical services systems. Existing law makes it a crime to violate any of the provisions of the act, and any rules, regulations, or county ordinances adopted pursuant to the act, that govern patient transfers. Existing law provides specified liability limitations to, among others, physicians, nurses, and other authorized individuals who provide assistance in emergency situations.

This bill would provide that a private provider of ambulance services, and employees of that provider, when operating in accordance with the standards, regulations, policies, and protocols of local emergency medical services agencies, shall not be criminally or civilly liable for the continued detainment of a person when that detainment is requested by a peace officer, facility staff, or other professionals authorized to detain persons in specified circumstances involving the transport and continued containment of a person who requires mental health evaluation and treatment, as specified. The bill would require a private provider of ambulance services subject to these provisions to provide care according to the policies and procedures established by the local emergency medical services agency, as specified, and the policies of the California Emergency Medical Services Authority. The bill would also prohibit a private provider of ambulance services that provides transportation to a designated facility, as defined, from requiring a person who is voluntarily agreeing to transport to be placed on an involuntary hold as a precondition to that transport. By creating a new crime under the act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1799.115 is added to the Health and Safety Code, to read:

1799.115. (a) A private provider of ambulance services licensed by the California Highway Patrol and any employees of that provider, when operating in accordance with the standards, regulations, policies, and protocols of local emergency medical services agencies, shall not be criminally or civilly liable for the continued detainment of a person when that detainment is

requested by a peace officer, facility staff, or other professionals authorized to detain persons in any of the following circumstances:

(1) Transportation, and continuing the detainment, of a person properly detained in accordance with Section 5150, 5250, or 5260 of the Welfare and Institutions Code to a facility designated by the county for evaluation and treatment.

(2) Transportation, and continuing the detainment, of a person who is detained for evaluation and treatment in a hospital or other facility to a designated facility for psychiatric treatment in accordance with Section 5150, 5250, or 5260 of the Welfare and Institutions Code.

(3) Transportation, and continuing the detainment, of a person who is in an acute care hospital, medical clinic, or other psychiatric evaluation facility to a designated facility for psychiatric treatment, if so ordered by the attending physician, a professional staff person in charge of a facility designated by the county for evaluation and treatment, a member of the attending staff, or a professional staff person designated by the county, in accordance with Section 5250 or 5260 of the Welfare and Institutions Code.

(b) A private provider of ambulance services requested to provide transportation of persons consistent with this section shall provide care according to the policies and procedures established by the local emergency medical services agency in the county that the provider operates and the policies of the California Emergency Medical Services Authority.

(c) This section does not relieve the provider of ambulance services, or any of its employees, from liability for injuries caused by negligence, gross negligence, recklessness, or willful misconduct on the part of the provider or its employees while transporting a person to a designated facility.

(d) A private provider of ambulance services that provides transportation to a designated facility, as defined in Section 5008 of the Welfare and Institutions Code, shall not require a person who is voluntarily agreeing to transport to be placed on an involuntary hold as a precondition to that transport.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.