

House Bill 2987

Sponsored by Representative WHISNANT; Representative THOMPSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies law relating to limitations on liability for health care provided without compensation.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to limitations on liability for health care provided without compensation; creating new
3 provisions; amending ORS 30.792; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 30.792, as amended by section 1, chapter 41, Oregon Laws 2012, is amended
6 to read:

7 30.792. (1) As used in this section:

8 (a)(A) "Charitable organization" means a charitable organization, as defined in ORS 128.620,
9 that[:]

10 [*i*] *Spends at least 65 percent of its revenues on charitable programs; and*

11 [*ii*] has a financially secure source of recovery for individuals who suffer harm as a result of
12 actions taken by a volunteer on behalf of the organization.

13 (B) "Charitable organization" does not include hospitals, intermediate care facilities or long
14 term care facilities, as those terms are defined in ORS 442.015.

15 (b) "Health care provider" means an individual licensed in this state as a practitioner of one
16 or more healing arts as described in ORS 31.740.

17 (c) "Health clinic" means a public health clinic or a health clinic operated by a charitable or-
18 ganization that provides primarily primary physical health, dental or mental health services to
19 low-income patients without charge or using a sliding fee scale based on the income of the patient.

20 (2) Except as provided in subsection (3) of this section, a person may not maintain an action for
21 damages against:

22 (a) A health care provider who voluntarily provides assistance, services or advice through a
23 charitable organization if:

24 (A) The assistance, services or advice that caused the damages are within the scope of the li-
25 cense of the health care provider; and

26 (B) The health care provider was acting within the course and scope of the provider's volunteer
27 duties when the damages occurred; or

28 (b) A health clinic for the assistance, services or advice provided by a health care provider de-
29 scribed in paragraph (a) of this subsection.

30 (3) The immunity provided in this section does not apply to:

31 (a) Any person who receives compensation other than reimbursement for expenses incurred by

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 the person providing the assistance, services or advice described in subsection (2) of this section.

2 *[(b) A person operating a motor vehicle, vessel, aircraft or other vehicle for which the person or*
3 *owner of the vehicle, vessel, aircraft or other vehicle is required to possess an operator's license or to*
4 *maintain insurance.]*

5 *[(c) (b) The liability of any person for damages resulting from the person's gross negligence or*
6 *from the person's reckless, wanton or intentional misconduct.*

7 *[(d) (c) Any activity for which a person is otherwise strictly liable without regard to fault.*

8 **SECTION 2. The amendments to ORS 30.792 by section 1 of this 2013 Act apply to causes**
9 **of action that arise on or after the effective date of this 2013 Act.**

10 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
12 **on its passage.**

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