

Liability: Providing Emergency Care

Utah Code Ann. 58-13-2.6

When an emergency declaration is in effect, an individual who, in good faith and regardless of compensation arrangements or prior obligation, assists with local government efforts to carry out the investigation of suspected bioterrorism, implement measures to control the cause of an epidemic, or mitigate other conditions affecting the public's health will not be held legally responsible. They can be held legally responsible if they caused the emergency, committed a criminal act, or if they acted with extreme carelessness or intent to cause harm.

Emergency care rendered by a person or health care facility

(1) For purposes of this section:

(a) "Emergency" means an unexpected occurrence involving injury, the threat of injury, or illness to a person or the public due to:

- (i) a natural disaster;
- (ii) bioterrorism;
- (iii) an act of terrorism;
- (iv) a pandemic; or
- (v) other event of similar nature.

(b) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or attempt to mitigate the effects of an emergency.

(c) "Person" is defined in Subsection 26-21-2(18).

(2)

(a) A person who, in good faith, assists governmental agencies or political subdivisions with the activities described in Subsection (2)(b) is not liable for civil damages or penalties as a result of any act or omission unless the person rendering the assistance:

- (i) is grossly negligent;
- (ii) caused the emergency; or
- (iii) has engaged in criminal conduct.

(b) The following activities are protected from liability in accordance with Subsection (2)(a):

(i) implementing measures to control the causes of epidemic, pandemic, communicable diseases, or other conditions significantly affecting public health, as necessary to protect the public health in accordance with Title 26A, Chapter 1, Local Health Departments;

(ii) investigating, controlling, and treating suspected bioterrorism or disease in accordance with Title 26, Chapter 23b, Detection of Public Health Emergencies Act;

(iii) responding to:

- (A) a national, state, or local emergency;
- (B) a public health emergency as defined in Section 26-23b-102; or
- (C) a declaration by the President of the United States or other federal official requesting public health

related activities; and

(iv) providing a facility for use by a governmental agency or political subdivision to distribute pharmaceuticals or administer vaccines to the public.

(c) Subsection (2)(a) applies to a person even if that person has:

- (i) a duty to respond; or
- (ii) an expectation of payment or remuneration.

(3) The immunity in Subsection (2) is in addition to any immunity protections that may apply in state or federal law.