

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 485, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Replace the effective date in SECTION 1 with "[EFFECTIVE
2 UPON PASSAGE]".

3 Page 1, between the enacting clause and line 1, begin a new
4 paragraph and insert:

5 "SECTION 1. IC 34-6-2-54 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 54. (a) "Health
7 care provider", for purposes of IC 34-18, has the meaning set forth in
8 IC 34-18-2-14.

9 **(b) "Health care provider", for purposes of IC 34-30-12.5, has**
10 **the meaning set forth in IC 34-30-12.5-2."**

11 Page 1, line 6, delete "A hospital that:" and insert "**This chapter**
12 **applies if the federal government authorizes the state department**
13 **of health to implement a program providing for the administration**
14 **of inoculations or other medical countermeasures against an actual**
15 **or a potential bioterrorist incident or another actual or potential**
16 **public health emergency under:**

17 (1) 42 U.S.C. 233(p)(2)(A); or

18 (2) any other federal authority."

19 Page 1, delete lines 7 through 13, begin a new paragraph, and insert:

20 "Sec. 2. As used in this chapter, "health care provider" means

1 **the following:**

- 2 **(1) An individual, a partnership, a professional corporation,**
 3 **a facility, or an institution licensed or legally authorized by**
 4 **the state to provide health care or professional services as any**
 5 **of the following:**
- 6 **(A) A licensed physician.**
 7 **(B) A psychiatric hospital.**
 8 **(C) A hospital.**
 9 **(D) A health facility.**
 10 **(E) A nurse licensed under IC 25-23.**
 11 **(F) A paramedic.**
 12 **(G) An emergency technician.**
 13 **(H) An advanced emergency technician.**
- 14 **(2) An employee of an individual or entity described in**
 15 **subdivision (1).**
- 16 **(3) A member of the medical staff of an individual or entity**
 17 **described in subdivision (1).**
- 18 **(4) An individual who has been authorized by the governing**
 19 **board of an individual or entity described in subdivision (1) to**
 20 **provide health care services on the individual's or entity's**
 21 **premises or on the individual's or entity's behalf.**
- 22 **(5) An individual who, under contract with an individual or**
 23 **entity described in subdivision (1), administers an inoculation**
 24 **or another medical countermeasure against an actual or a**
 25 **potential bioterrorist incident or another actual or potential**
 26 **public health emergency under the circumstances described**
 27 **in section 1 of this chapter.**

28 **Sec. 3. A health care provider who administers an inoculation**
 29 **or another medical countermeasure against an actual or a potential**
 30 **bioterrorist incident or another actual or potential public health**
 31 **emergency after January 23, 2003, under the circumstances**
 32 **described in section 1 of this chapter is immune from civil liability**
 33 **for any injury or damage that results from the administration of**
 34 **the inoculation or other countermeasure, except for an act or**
 35 **omission that amounts to gross negligence or willful or wanton**

- 1 **misconduct.**
- 2 SECTION 3. **An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 485 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Long

Chairperson