

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1043
Committee Substitute Favorable 4/30/03
Third Edition Engrossed 5/1/03

Short Title: Health Provider Immunity/Terrorist Incidents.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR HEALTH CARE PROVIDERS PROVIDING HEALTH CARE TREATMENT TO PERSONS INJURED BY A TERRORIST INCIDENT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1B of Chapter 90 of the General Statutes is amended by adding the following new section to read:

"§ 90-21.18. Health care treatment of persons injured by a terrorist incident; immunity.

(a) A health care provider or a person who provides emergency medical services as defined in G.S. 131E-155 who renders medical, dental, or other health care treatment to a person who is unconscious, ill, or injured by a terrorist incident shall not be liable for damages for injuries alleged to have been sustained by the person or for damages for the death of the person alleged to have occurred by reason of an act or omission in the rendering of the treatment unless it is established that the injuries were or the death was caused by gross negligence, wanton conduct, or intentional wrongdoing on the part of the person rendering the treatment.

(b) The immunity conferred by this section applies only to the extent that professional liability insurance covering the health care provider or person who provides emergency medical services excludes coverage for treatment rendered during acts of war or terrorist incidents. The immunity conferred by this section applies whether or not the health care provider or person who provides emergency medical services rendering the treatment is compensated for the treatment. This immunity shall not apply to treatment performed outside the emergency setting of treatment during or immediately after the terrorist incident.

(c) As used in this section, 'terrorist incident' means activities that occur within the territorial jurisdiction of the United States, involve acts dangerous to human life that

1 are a violation of the criminal laws of the United States or of any state, and are intended
2 to do one of the following:

3 (1) Intimidate or coerce a civilian population.

4 (2) Influence the policy of a government by intimidation or coercion.

5 (3) Affect the conduct of a government by mass destruction, assassination,
6 or kidnapping."

7 **SECTION 2.** This act is effective when it becomes law and applies to illness
8 or injury resulting from terrorist incidents occurring on and after that date.