

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0009.01 Stephen Miller

**SENATE BILL 07-043**

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**SENATE SPONSORSHIP**

**Mitchell S.**, Brophy, Harvey, May R., and Spence

**HOUSE SPONSORSHIP**

**Todd**, Balmer, Cadman, Gardner C., Kerr J., Liston, Looper, Lundberg, Marostica, Stafford, Swalm, White, and Witwer

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING AN EXEMPTION FROM CIVIL LIABILITY FOR CERTAIN**  
102            **HEALTH CARE PROVIDERS WHO RENDER EMERGENCY**  
103            **ASSISTANCE TO PERSONS INJURED IN SCHOLASTICALLY**  
104            **SPONSORED COMPETITIVE SPORTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Exempts from civil liability certain licensed health care providers who, in good faith and without compensation, render emergency care or emergency assistance, including sideline or on-field care as a team health care provider, to an individual injured from engaging in a competitive

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

sport sponsored by a school, college, or university. Specifies that the exemption does not include acts or omissions that are grossly negligent, willful and wanton, or outside the scope of the license held by the health care provider.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 21 of title 13, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **13-21-108.2. Persons rendering emergency assistance -**  
5 **competitive sports - exemption from civil liability.** (1) (a) EXCEPT AS  
6 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO IS LICENSED  
7 AS A HEALTH CARE PROVIDER UNDER TITLE 12, C.R.S.      WHO, IN GOOD  
8 FAITH AND WITHOUT COMPENSATION, RENDERS EMERGENCY CARE OR  
9 EMERGENCY ASSISTANCE, INCLUDING BUT NOT LIMITED TO SIDELINE OR  
10 ON-FIELD CARE AS A TEAM HEALTH CARE PROVIDER, TO AN INDIVIDUAL  
11 REQUIRING EMERGENCY CARE OR EMERGENCY ASSISTANCE AS A RESULT  
12 OF HAVING ENGAGED IN A COMPETITIVE SPORT, IS NOT LIABLE FOR CIVIL  
13 DAMAGES AS A RESULT OF ACTS OR OMISSIONS BY A PERSON WHO IS  
14 LICENSED AS A HEALTH CARE PROVIDER UNDER TITLE 12, C.R.S.

15 (b) THE PROVISIONS OF THIS SUBSECTION (1) SHALL APPLY TO THE  
16 RENDERING OF EMERGENCY CARE OR EMERGENCY ASSISTANCE TO A MINOR  
17 EVEN IF A PERSON WHO IS LICENSED AS A HEALTH CARE PROVIDER UNDER  
18 TITLE 12, C.R.S.      DOES NOT OBTAIN PERMISSION FROM THE PARENT OR  
19 LEGAL GUARDIAN OF THE MINOR BEFORE RENDERING THE CARE OR  
20 ASSISTANCE, PROVIDED HOWEVER, THAT IF A PARENT OR GUARDIAN  
21 REFUSES THE RENDERING OF EMERGENCY CARE, THIS SUBSECTION (1)  
22 SHALL NOT APPLY.

23 (2) THE EXEMPTION FROM CIVIL LIABILITY DESCRIBED IN

1 SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO:

2 (a) ACTS OR OMISSIONS THAT CONSTITUTE GROSS NEGLIGENCE OR  
3 WILLFUL AND WANTON CONDUCT; OR

4 (b) ACTS OR OMISSIONS THAT ARE OUTSIDE THE SCOPE OF THE  
5 LICENSE HELD BY A PERSON WHO IS LICENSED AS A HEALTH CARE  
6 PROVIDER UNDER TITLE 12, C.R.S.

7 (3) AS USED IN THIS SECTION, "COMPETITIVE SPORT" MEANS A  
8 SPORT CONDUCTED AS PART OF A PROGRAM SPONSORED BY A PUBLIC OR  
9 PRIVATE SCHOOL THAT PROVIDES INSTRUCTION IN ANY GRADE FROM  
10 KINDERGARTEN THROUGH TWELFTH GRADE, OR SPONSORED BY A PUBLIC  
11 OR PRIVATE COLLEGE OR UNIVERSITY OR BY ANY LEAGUE, CLUB, OR  
12 ORGANIZATION THAT PROMOTES SPORTING EVENTS.

13 **SECTION 2. Effective date - applicability.** This act shall take  
14 effect July 1, 2007, and shall apply to emergency care and emergency  
15 assistance rendered on or after said date.

16 **SECTION 3. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.