

1 ENGROSSED HOUSE  
2 BILL NO. 1726

By: Fourkiller of the House

3 and

4 Wilson of the Senate  
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7 An Act relating to torts; amending Section 1, Chapter  
8 294, O.S.L. 2010 (76 O.S. Supp. 2010, Section 32.1),  
9 which relates to the Volunteer Professional Services  
10 Immunity Act; extending immunity for elementary  
11 school activities; and providing an effective date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 1, Chapter 294, O.S.L.  
14 2010 (76 O.S. Supp. 2010, Section 32.1), is amended to read as  
15 follows:

16 Section 32.1 A. As used in this section:

17 1. "Health care provider" means any person or other entity who  
18 is licensed, certified or otherwise authorized by the provisions of  
19 Title 59 or Title 63 of the Oklahoma Statutes to render health care  
20 services in the practice of a profession or in the ordinary course  
21 of business;

22 2. "Health care services" means any services provided by a  
23 physician or health care provider, or by an individual working under  
24 their supervision, that relate to the diagnosis, assessment,

1 prevention, treatment or care of any human illness, disease, injury  
2 or condition;

3 3. "Physician" means any person who is a physician licensed,  
4 certified or otherwise authorized to render health care services in  
5 this state; and

6 4. "Volunteer capacity" means health care services provided  
7 without remuneration regardless of whether or not the health care  
8 services are prearranged. Admission without cost to the elementary  
9 or secondary school event does not constitute remuneration.

10 B. Any physician or health care provider providing health care  
11 services in a volunteer capacity at a an elementary or secondary  
12 school function in this state who renders or attempts to render care  
13 to an injured participant who is in need of immediate medical aid  
14 shall not be liable for damages as a result of any acts or omissions  
15 except for committing gross negligence or willful or wanton  
16 negligence in rendering the emergency care.

17 C. This section shall apply to all civil actions involving any  
18 physician or health care provider providing health care services in  
19 a volunteer capacity at a secondary school function in this state  
20 who renders or attempts to render care to an injured participant who  
21 is in need of immediate medical aid filed on or after January 1,  
22 2011. This section shall apply to all civil actions involving any  
23 physician or health care provider providing health care services in  
24 a volunteer capacity at an elementary school function in this state

1 who renders or attempts to render care to an injured participant who  
2 is in need of immediate medical aid filed on or after November 1,  
3 2011.

4 SECTION 2. This act shall become effective November 1, 2011.

5 Passed the House of Representatives the 17th day of March, 2011.

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Presiding Officer of the House of  
Representatives

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10 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2011.

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Presiding Officer of the Senate

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