

LFC Requester:	David Lucero
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date February 13, 2015
Bill No: SB 189s

Sponsor: Sue Wilson Beffort **Agency Code:** Attorney General's Office
Short Title: GOOD SAMARITAN LIABILITY **Person Writing:** Marco P. Serna, AAG
Phone: 505-222-9069 **Email:** mserna@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: Senate Bill 189 is an Act that introduces a new standard under the Cardiac Arrest Response Act, by which civil liability can be imposed on a “good Samaritan” pursuant to Section 24-10C-07 NMSA 1978 as well as defines “persons” (Section 24-10C-07(A)(3) NMSA 1978), and eliminates the definition of “physician” as defined in Section 24-10C-03(F) NMSA 1978.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

By eliminating “physician” from the Act altogether, the “trained targeted responder” replaces duties/liabilities of “physician” throughout the Act.

The new standard by which a “good Samaritan” can be found civilly liable under the Act is “willful, wanton or reckless behavior” replacing the current “good faith /reasonableness” standard, effectively providing more protection to the “good Samaritan.”

“Persons,” as defined by Senate Bill 189 include, “corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture or any legal or commercial entity.”

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A