

CHAPTER 189
FORMERLY
HOUSE BILL NO. 11

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PARAMEDIC SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 98, Title 16 of Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 9813 Liability; limitations.

(a) *Physician instructions.* — No emergency physician or designee of such physician who in good faith gives instructions to a paramedic shall be liable for any civil damages which may occur as the result of issuing such instructions; unless the conduct of the physician or the designee of such physician in issuing such instructions rises to the level of willful and wanton, reckless or grossly negligent conduct.

(b) *Paramedics.* — (1) No paramedic who in good faith attempts to render or facilitate emergency medical care authorized by this chapter shall be liable for any civil damages which occur as a result of any act or omission of the paramedic in the rendering of such care; unless such paramedic is guilty of ~~willful~~ willful and wanton, reckless or grossly negligent conduct.

(2) No paramedic shall be subject to civil liability, based solely upon failure to obtain consent in rendering emergency medical services to any individual, regardless of age, where the person is unable to give consent for any reason, and where there is no other person reasonably available who is legally authorized to give or refuse to give consent, if the paramedic has acted in good faith, without knowledge of facts negating consent, and without any act or omission constituting willful and wanton or grossly negligent conduct.

Section 2. This Act shall be known as “Jaclyn’s Law”.

Approved September 30, 2015