

SENATE, No. 2101

STATE OF NEW JERSEY

INTRODUCED MAY 22, 1997

By Senator CARDINALE

1 AN ACT exempting certain organizations and their officials, employees  
2 and volunteers from liability for damages under certain conditions  
3 and supplementing Title 2A of the New Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. a. No corporation, society, or association which is actively  
9 involved in the promulgation of standards, professional practice  
10 guidelines, or criteria for any product, service, procedure or  
11 professional qualifications used in the practice of medicine or in the  
12 practice of any licensed health care service, nor its trustees, directors,  
13 officers, employees or volunteers shall, except as set forth herein, be  
14 liable to respond for damages to any person who shall suffer damage  
15 as a result of any act of commission or omission arising in the course  
16 of the establishment of such standards, guidelines or criteria by the  
17 corporation, society, or association.

18 b. Nothing in this act shall be deemed to grant immunity to any  
19 corporation, society, or association, or any agent thereof for any act  
20 causing damage by a willful, wanton, or grossly negligent act of  
21 commission or omission in the establishment of such standards,  
22 guidelines or criteria.

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24 2. This act shall take effect immediately.

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26 STATEMENT

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28 This bill would provide that organizations actively involved in the  
29 setting of standards, professional practice guidelines or criteria for any  
30 product, service or professional qualifications used in the practice of  
31 medicine or other licensed health care service would not be liable for  
32 civil damages on the basis of any act of commission or omission  
33 arising in the course of the establishment of such standards or criteria.  
34 The immunity granted by this bill would also cover the officials and  
35 employees of such organizations and persons serving as volunteers  
36 with these organizations. The immunity would not apply to any  
37 damages caused by willful, wanton or grossly negligent acts.

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3 Establishes civil immunity for certain organizations involved in setting  
4 health industry standards.