

**ASSEMBLY BILL**

**No. 1196**

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**Introduced by Assembly Member Gallagher**

February 21, 2025

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An act to amend Section 1317 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1196, as introduced, Gallagher. Health facilities: emergency services.

Existing law provides for the licensure and regulation of health facilities, including hospitals, by the State Department of Public Health. Existing law requires a health facility that maintains and operates an emergency department to provide emergency services and care to any person requesting the services or care, or for whom services or care is requested, for any condition in which the person is in danger of loss of life, or serious injury or illness, if the facility has appropriate facilities and qualified personnel available to provide the services or care. Violation of these provisions is a crime.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1317 of the Health and Safety Code is  
2     amended to read:

1 1317. (a) Emergency services and care shall be provided to  
2 any person requesting the services or care, or for whom services  
3 or care is requested, for any condition in which the person is in  
4 danger of loss of life, or serious injury or illness, at any health  
5 facility licensed under this chapter that maintains and operates an  
6 emergency department to provide emergency services to the public  
7 ~~when~~ if the health facility has appropriate facilities and qualified  
8 personnel available to provide the services or care.

9 (b) ~~In no event shall the~~ The provision of emergency services  
10 and care *shall not* be based upon, or affected by, the person's  
11 ethnicity, citizenship, age, preexisting medical condition, insurance  
12 status, economic status, ability to pay for medical services, or any  
13 other characteristic listed or defined in subdivision (b) or (e) of  
14 Section 51 of the Civil Code, except to the extent that a  
15 circumstance such as age, sex, preexisting medical condition, or  
16 physical or mental disability is medically significant to the  
17 provision of appropriate medical care to the patient.

18 (c) ~~Neither the~~ A health facility, its employees, ~~nor or a~~ any  
19 physician and surgeon, dentist, clinical psychologist, or podiatrist  
20 shall *not* be liable in ~~any~~ *an* action arising out of a refusal to render  
21 emergency services or care if the refusal is based on the  
22 determination, exercising reasonable care, that the person is not  
23 suffering from an emergency medical condition, or that the health  
24 facility does not have the appropriate facilities or qualified  
25 personnel available to render those services.

26 (d) Emergency services and care shall be rendered without first  
27 questioning the patient or any other person as to ~~his or her~~ *their*  
28 ability to ~~pay therefor~~ *pay*. However, the patient or ~~his or her~~ *their*  
29 legally responsible relative or guardian shall execute an agreement  
30 to ~~pay therefor~~ or otherwise supply insurance or credit information  
31 promptly after the services are rendered.

32 (e) If a health facility subject to this chapter does not maintain  
33 an emergency department, its employees shall nevertheless exercise  
34 reasonable care to determine whether an emergency exists and  
35 shall direct the persons seeking emergency care to a nearby facility  
36 that can render the needed services, and shall assist the persons  
37 seeking emergency care in obtaining the services, including  
38 transportation services, in every way reasonable under the  
39 circumstances.

1 (f) A general acute care hospital or acute psychiatric hospital  
2 shall not require a person who voluntarily seeks care to be in  
3 custody pursuant to Section 5150 of the Welfare and Institutions  
4 Code as a condition of accepting a transfer of that person after ~~his~~  
5 ~~or her~~ *their* written consent for treatment and transfer is  
6 documented or in the absence of evidence of probable cause for  
7 detention, as defined in Section 5150.05 of the Welfare and  
8 Institutions Code.

9 (g) An act or omission of a rescue team established by a health  
10 facility licensed under this chapter, or operated by the federal or  
11 state government, a county, or by the Regents of the University of  
12 California, done or omitted while attempting to resuscitate a person  
13 who is in immediate danger of loss of life shall not impose any  
14 liability upon the health facility, the officers, members of the staff,  
15 nurses, or employees of the health facility, including, but not  
16 limited to, the members of the rescue team, or upon the federal or  
17 state government or a county, if good faith is exercised.

18 (h) "Rescue team," as used in this section, means a special group  
19 of physicians and surgeons, nurses, and employees of a health  
20 facility who have been trained in cardiopulmonary resuscitation  
21 and have been designated by the health facility to attempt, in cases  
22 of emergency, to resuscitate ~~persons who are~~ *a person who is* in  
23 immediate danger of loss of life.

24 (i) This section does not relieve a health facility of any duty  
25 otherwise imposed by law upon the health facility for the  
26 designation and training of members of a rescue team or for the  
27 provision or maintenance of equipment to be used by a rescue  
28 team.