

SENATE BILL REPORT

SHB 2261

As Reported by Senate Committee On:
Health & Long-Term Care, February 15, 2012

Title: An act relating to charitable donations of eye glasses and hearing instruments.

Brief Description: Providing limited immunity for organizations making charitable donations of eye glasses or hearing instruments.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Takko, Reykdal, Orcutt, Wilcox, Jenkins, Finn and Hudgins).

Brief History: Passed House: 2/09/12, 97-0.

Committee Activity: Health & Long-Term Care: 2/15/12 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker, Ranking Minority Member; Frockt, Kline, Parlette and Pridemore.

Staff: Veronica Warnock (786-7490)

Background: The Good Samaritan Act provides immunity from liability for individuals who provide medical care at the scene of an emergency without expectation of compensation. The act has been amended to include immunity provisions for all licensed health care providers who provide health care services at public or nonprofit community clinics without receiving compensation. These immunity provisions do not apply to acts or omissions which constitute gross negligence.

Summary of Bill: Charitable organizations are provided with immunity from liability when they distribute previously owned eyeglasses or hearing instruments to people who are at least 14 years old. Organizations are still liable for acts or omissions constituting gross negligence or willful or wanton misconduct. This immunity only applies if the eyeglasses or hearing instruments are provided by the medical professional who issued the eyeglass prescription or personally examined the hearing device recipient or by a medical professional who consulted with the medical provider who issued the prescription for the eyeglasses or examined the recipient of the hearing device.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A charitable organization is an organization that regularly engages in or provides financial support for a benevolent or charitable activity that benefits nonmembers; whose income is not distributed to its members, directors, or officers; and in which no member, director, officer, agent, or employee is compensated an amount beyond that of a just and reasonable amount.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The Lions have a very active eyeglass and hearing aid recycling program. In the past six years over a million eyeglasses have been donated to the Lions in just the Olympia/Western Washington area. Several states have passed similar laws. This bill will keep the Lion's program going and make sure that people who distribute used eyeglasses and hearing devices are not subject to liability for acts which are not grossly negligent.

Persons Testifying: PRO: Representative Takko, prime sponsor.