

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1038 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

As Engrossed: S2/28/07 H3/28/07

A Bill

SENATE BILL 421

4  
5 By: Senator Horn  
6 By: Representative Hawkins

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9 **For An Act To Be Entitled**

10 AN ACT TO AMEND ARKANSAS CODE § 17-95-101 TO  
11 ENSURE IMMUNITY FROM LIABILITY TO HEALTH CARE  
12 PROFESSIONALS ACTING AS GOOD SAMARITANS; AND FOR  
13 OTHER PURPOSES.

14  
15 **Subtitle**

16 AN ACT TO AMEND ARKANSAS CODE § 17-95-  
17 101 TO ENSURE IMMUNITY FROM LIABILITY TO  
18 HEALTH CARE PROFESSIONALS ACTING AS GOOD  
19 SAMARITANS.

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21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 *SECTION 1. Arkansas Code § 17-95-101 is amended to read as follows:*  
25 *17-95-101. "Good Samaritan" law.*

26 *(a) Any ~~person licensed as a physician or surgeon~~ health care*  
27 *professional under the laws of the State of Arkansas ~~or any other person,~~*  
28 *who, in good faith, lends emergency care or assistance without compensation*  
29 *at the place of an emergency or accident, ~~and who was acting as a reasonable~~*  
30 *~~and prudent person would have acted under the circumstances present at the~~*  
31 *~~scene at the time the services were rendered,~~ shall not be liable for any*  
32 *civil damages for acts or omissions performed in good faith as long as any*  
33 *act or omission resulting from the rendering of emergency assistance or*  
34 *services was not grossly negligent or willful misconduct.*

35 *(b) Any person who is not a ~~physician, surgeon, nurse, or other person~~*



1 ~~trained or skilled in the treatment of medical emergencies~~ health care  
2 professional who is present at an emergency or accident scene, and who:

3 (1) Believes that the life, health, and safety of an injured  
4 person or a person who is under imminent threat of danger could be aided by  
5 reasonable and accessible emergency procedures under the circumstances  
6 existing at the scene thereof;

7 (2) Proceeds to lend emergency assistance or service in a manner  
8 ~~reasonably~~ calculated in good faith to lessen or remove the immediate threat  
9 to the life, health, or safety of such a person;

10 ~~(3) Lends only such emergency care or assistance as a reasonable~~  
11 ~~and prudent person concerned for the immediate protection of the life,~~  
12 ~~health, and safety of the person for whom the services were rendered would~~  
13 ~~lend under the circumstances,~~  
14 shall not be held liable in civil damages in any action in this state for any  
15 ~~harm, injury, or death of any such person so long as the person rendering~~  
16 ~~such services acted in good faith and was acting as a reasonable and prudent~~  
17 ~~person would have acted under the circumstances present at the scene at the~~  
18 ~~time the services were rendered~~ act or omission resulting from the rendering  
19 of emergency assistance or services unless the act or omission was not in  
20 good faith and was the result of gross negligence or willful misconduct.

21 (c) No ~~physician or surgeon~~ health care professional who in good faith  
22 and without compensation renders voluntary emergency ~~medical~~ assistance to a  
23 participant in a school athletic event or contest at the site thereof or  
24 during transportation to a health care facility for an injury suffered in the  
25 course of the event or contest shall be liable for any civil damages as a  
26 result of any acts or omissions by that ~~physician or surgeon~~ health care  
27 professional in rendering the emergency ~~medical~~ care. The immunity granted by  
28 this subsection shall not apply in the event of an act or omission  
29 constituting gross negligence.

30 (d) For the purposes of this section ~~and any other law of this state~~  
31 ~~which takes effect on or after January 1, 1994, the term "physician" shall~~  
32 ~~mean a person licensed by the Arkansas State Medical Board, the Arkansas~~  
33 ~~State Board of Chiropractic Examiners, or the State Podiatry Examining Board~~  
34 "health care professional" means a licensed physician, chiropractic  
35 physician, dentist, optometric physician, podiatric physician, and any other  
36 licensed health care professional.

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*/s/ Horn*

*APPROVED: 4/4/2007*