

As Engrossed: 2/14/91, 2/22/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 587 OF 1991
SENATE BILL 388

4 **By: Senators Chaffin, Ross and Fitch**

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For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CODE OF 1987, TITLE 6,
9 CHAPTER 17, SECTION 107, AND TITLE 16, CHAPTER 6, SECTION
10 106, TO PROVIDE IMMUNITY FROM CIVIL LIABILITY TO TEACHERS,
11 SCHOOL PERSONNEL AND SUICIDE PREVENTION VOLUNTEERS FOR
12 PROVIDING EMERGENCY CARE, COUNSELLING, REFERRAL OR
13 ASSISTANCE TO STUDENTS; AND FOR OTHER PURPOSES."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Arkansas Code Annotated §6-17-107 is hereby amended to read
18 as follows:

19 "6-17-107. Reporting student drug abuse - Immunity from liability.

20 (a) Teachers and other school personnel in this state shall be immune
21 from any civil liability for communicating information in good faith
22 concerning drug abuse by any pupil to that pupil's parents, to law enforcement
23 officers, or to health care providers.

24 (b) Teachers, school counsellors, school health care providers, and
25 other school personnel shall be immune from any civil liability for providing
26 counselling, referral, emergency medical care, or other assistance offered in
27 good faith to suicidal students or other suicidal youth. 'Suicidal' refers
28 to a person who poses a substantial risk of physical harm to himself as
29 manifested by evidence of, threats of, or attempts at suicide or self-
30 inflicted bodily harm, or by evidence of other behavior or thoughts that
31 create a grave and imminent risk to his physical condition.

32 (c) This section shall not preclude liability for civil damages where
33 the individual negligently performs professional *counseling or nursing*
34 services which he or she is licensed under state law to perform. (d) This
35 section shall not preclude liability for civil damages as the result of gross
36 negligence."

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SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Eighth General Assembly that the increasing frequency of suicides constitutes a serious and immediate threat to the welfare of the youth of this State and that teachers, school counsellors and other school personnel, health care providers, and suicide prevention counsellors should be allowed to provide assistance without fear of being sued as a result thereof. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Chaffin, et al

APPROVED: 3-18-91