

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 683 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/16/07

A Bill

HOUSE BILL 2612

5 By: Representative Greenberg  
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS CODE § 17-95-101  
10 CONCERNING CIVIL IMMUNITY OF PERSONS RENDERING  
11 EMERGENCY MEDICAL SERVICES UNDER THE "GOOD  
12 SAMARITAN" LAW; AND FOR OTHER PURPOSES.  
13

14 **Subtitle**

15 TO AMEND ARKANSAS CODE § 17-95-101  
16 CONCERNING CIVIL IMMUNITY OF PERSONS  
17 RENDERING EMERGENCY MEDICAL SERVICES  
18 UNDER THE "GOOD SAMARITAN" LAW.  
19  
20

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

22  
23 *SECTION 1. Arkansas Code § 17-95-101 is amended to read as follows:*  
24 *17-95-101. "Good Samaritan" law.*

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

34 *(b) Any person who is not a physician, surgeon, nurse, or other person*  
35 *trained or skilled in the treatment of medical emergencies who is present at*



1 an emergency or accident scene, and who:

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

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

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

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

28 (d) For the purposes of this section and any other law of this state  
29 which takes effect on or after January 1, 1994, the term "physician" shall  
30 mean a person licensed by the Arkansas State Medical Board, the Arkansas  
31 State Board of Chiropractic Examiners, or the State Podiatry Examining Board.

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33 /s/ Greenberg

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35 APPROVED: 3/29/2007