

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.

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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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

Subtitle

14 TO AMEND ARKANSAS CODE § 17-95-101
15 CONCERNING CIVIL IMMUNITY OF PERSONS
16 RENDERING EMERGENCY MEDICAL SERVICES
17 UNDER THE "GOOD SAMARITAN" LAW.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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*
36 *an emergency or accident scene, and who:*



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

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

8 ~~(3) Lends only such emergency care or assistance as a reasonable
9 and prudent person concerned for the immediate protection of the life,
10 health, and safety of the person for whom the services were rendered would
11 lend under the circumstances,~~

12 shall not be held liable in civil damages in any action in this state for any
13 ~~harm, injury, or death of any such person so long as the person rendering
14 such services acted in good faith and was acting as a reasonable and prudent
15 person would have acted under the circumstances present at the scene at the
16 time the services were rendered~~ act or omission resulting from the rendering
17 of emergency assistance or services unless the act or omission was not in
18 good faith and was the result of gross negligence or willful misconduct.

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

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

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32 /s/ Greenberg
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