

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 421

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

Amendment No. 1 to Senate Bill No. 421.

Amend Senate Bill No. 421 as originally introduced:

Delete everything after the ENACTING clause and substitute the following:

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

(a) Any ~~person licensed as a physician or surgeon~~ health care professional under the laws of the State of Arkansas ~~or any other person,~~ who, in good faith, lends emergency care or assistance without compensation at the place of an emergency or accident, and who was acting as a reasonable and prudent person would have acted under the circumstances present at the scene at the time the services were rendered, shall not be liable for any civil damages for acts or omissions performed in good faith.

(b) Any person who is not a ~~physician, surgeon, nurse, or other person trained or skilled in the treatment of medical emergencies~~ health care professional who is present at an emergency or accident scene, and who:

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

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

(3) Lends only such emergency care or assistance as a reasonable and prudent person concerned for the immediate protection of the life, health, and safety of the person for whom the services were rendered would lend under the circumstances, shall not be held liable in civil damages in any action in this state for any harm, injury, or death of any such person so long as the person rendering such services acted in good faith and was acting as a reasonable and prudent person would have acted under the circumstances present at the scene at the time the services were rendered.

(c) No ~~physician or surgeon~~ health care professional who in good faith and without compensation renders voluntary emergency ~~medical~~ assistance to a participant in a school athletic event or contest at the site thereof or during transportation to a health care facility for an injury suffered in the



course of the event or contest shall be liable for any civil damages as a result of any acts or omissions by that ~~physician or surgeon~~ health care professional in rendering the emergency ~~medical~~ care. The immunity granted by this subsection shall not apply in the event of an act or omission constituting gross negligence.

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

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Horn

MGF/CDS - 02-26-2007 16:30

MGF360

Secretary