

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: S2/25/97 S3/17/97

A Bill

SENATE BILL 367

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5 By: Senator Smith
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For An Act To Be Entitled

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9 "AN ACT TO PROVIDE CIVIL IMMUNITY FOR ATTORNEYS,
10 PHYSICIANS, AND NON-PROFIT ORGANIZATIONS PROVIDING OR
11 SPONSORING VOLUNTEER MEDICAL OR LEGAL SERVICES ARISING OUT
12 OF A DECLARED STATE OF EMERGENCY; AND FOR OTHER PURPOSES."
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Subtitle

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15 "TO ESTABLISH IMMUNITY FOR ATTORNEYS,
16 PHYSICIANS, AND NON-PROFIT ORGANIZATIONS
17 PROVIDING SERVICES ARISING OUT OF A
18 DECLARED STATE OF EMERGENCY."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. (a) Any person licensed to practice law, medicine, or
23 nursing who, in good faith and in conjunction with a non-profit organization,
24 renders legal, medical, or nursing services arising out of a state of
25 emergency declared by the Governor or federally declared in the state of
26 Arkansas to a victim or victims of such state of emergency without the
27 expectation and receipt of compensation shall not be liable for any civil
28 damages as a result of any act or omission by such person in rendering such
29 legal, medical, or nursing services to the victim, except for gross negligence
30 or willful and wanton misconduct.

31 (b) No non-profit organization which requests, sponsors, or
32 participates in the provision of legal, medical, or nursing services under the
33 circumstances provided in subsection (a) of this section shall be liable for
34 any civil damages as a result of any act or omission in the rendering of such
35 legal, medical, or nursing services.
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1 SECTION 2. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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

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11 SECTION 4. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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14 SECTION 5. EMERGENCY. It is found and determined by the General
15 Assembly of the State of Arkansas that, in light of the vast devastation
16 caused by the recent tornadoes which crossed the state of Arkansas, many
17 Arkansas citizens are in urgent need of legal and medical assistance and many
18 legal and medical professionals stand ready, willing, and able to assist these
19 citizens free of charge, and to offer some immunity to these professionals
20 will enhance their ability to render this assistance. Therefore an emergency
21 is declared to exist and this act being immediately necessary for the
22 preservation of the public peace, health and safety shall become effective on
23 the date of its approval by the Governor. If the bill is neither approved nor
24 vetoed by the Governor, it shall become effective on the expiration of the
25 period of time during which the Governor may veto the bill. If the bill is
26 vetoed by the Governor and the veto is overridden, it shall become effective
27 on the date the last house overrides the veto.

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/s/Smith

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