

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

A Bill

SENATE BILL 421

5 By: Senator Horn
6 By: Representative Hawkins
7
8

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE § 17-95-101 TO
11 ENSURE IMMUNITY FROM LIABILITY TO HEALTH CARE
12 PROFESSIONALS ACTING AS GOOD SAMARITANS; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE § 17-95-
16 101 TO ENSURE IMMUNITY FROM LIABILITY TO
17 HEALTH CARE PROFESSIONALS ACTING AS GOOD
18 SAMARITANS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 17-95-101 is amended to read as follows:
25 17-95-101. "Good Samaritan" law.

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

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 to lessen or remove the immediate threat to the life,~~
7 ~~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, shall not be held liable in civil damages in~~
12 ~~any action in this state for any harm, injury, or death of any such person so~~
13 ~~long as the person rendering such services acted in good faith and was acting~~
14 ~~as a reasonable and prudent person would have acted under the circumstances~~
15 ~~present at the scene at the time the services were rendered.~~

16 (b) A licenses health care professional who is present at an emergency
17 or accident scene involving an injured person or a person who is under
18 imminent threat of danger and provides emergency care or assistance to the
19 person is not liable in civil damages in any action in this state for any
20 injury or death of the person for whom the emergency care or assistance was
21 provided, if the person providing the emergency care or assistance:

22 (1) Was not a health care professional;

23 (2) Acted in good faith;

24 (3) Believed that the life, health, and safety of person for
25 whom the emergency care or assistance was provided could be aided by
26 reasonable and accessible emergency care or assistance under the
27 circumstances existing at the scene;

28 (4) Provided the emergency care or assistance in a manner
29 reasonably calculated to lessen or remove the immediate threat to the person
30 for whom the emergency care or assistance was provided; and

31 (5) Provided only such emergency care or assistance as a
32 reasonable and prudent person concerned for the immediate protection of the
33 life, health, and safety of the person for whom the emergency care or
34 assistance was provided would lend under the circumstances.

35 ~~(c)(1) No physician or surgeon~~ A licensed health care professional who
36 in good faith and without compensation renders provided voluntary emergency

1 medical assistance to a participant in a school athletic event or contest at
2 the site ~~thereof~~ of the school athletic event or contest or during
3 transportation to a health care facility for an injury suffered in the course
4 of the school athletic event or contest ~~shall be~~ is not liable for any civil
5 damages as a result of any acts or omissions by that ~~physician or surgeon~~
6 health care professional in rendering the emergency ~~medical~~ care.

7 (2) The immunity granted ~~by this subsection shall~~ under
8 subdivision (c)(1) of this section does not apply in the event of an act or
9 omission constituting gross negligence.

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

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