

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: S2/28/07 H3/28/07

A Bill

SENATE BILL 421

5 By: Senator Horn
6 By: Representative Hawkins
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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~~ health care*
27 *professional under the laws of the State of Arkansas ~~or any other person,~~*
28 *who, in good faith, lends emergency care or assistance without compensation*
29 *at the place of an emergency or accident, ~~and who was acting as a reasonable~~*
30 *~~and prudent person would have acted under the circumstances present at the~~*
31 *~~scene at the time the services were rendered,~~ shall not be liable for any*
32 *civil damages for acts or omissions performed in good faith as long as any*
33 *act or omission resulting from the rendering of emergency assistance or*
34 *services was not grossly negligent or willful misconduct.*

35 *(b) Any person who is not a ~~physician, surgeon, nurse, or other person~~*
36 *~~trained or skilled in the treatment of medical emergencies~~ health care*



1 professional who is present at 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~~ health care professional who in good faith
21 and without compensation renders voluntary emergency ~~medical~~ assistance to a
22 participant in a school athletic event or contest at the site thereof or
23 during transportation to a health care facility for an injury suffered in the
24 course of the event or contest shall be liable for any civil damages as a
25 result of any acts or omissions by that ~~physician or surgeon~~ health care
26 professional in rendering the emergency ~~medical~~ care. The immunity granted by
27 this subsection shall not apply in the event of an act or omission
28 constituting gross negligence.

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

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/s/ Horn