

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 273

5 By: Senator Bledsoe  
6

## For An Act To Be Entitled

8 AN ACT TO CLARIFY THAT AN EXPERT WITNESS ACTING ON  
9 BEHALF OF A BOARD OF ANY PROFESSION OR OCCUPATION  
10 CLASSIFIED UNDER THE LAWS OF THE STATE OF ARKANSAS AS  
11 A PROFESSION OF THE HEALING ARTS HAS IMMUNITY; TO  
12 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO CLARIFY THAT AN EXPERT WITNESS ACTING  
16 ON BEHALF OF A BOARD OF ANY PROFESSION OR  
17 OCCUPATION CLASSIFIED UNDER THE LAWS OF  
18 THE STATE OF ARKANSAS AS A PROFESSION OF  
19 THE HEALING ARTS HAS IMMUNITY; AND TO  
20 DECLARE AN EMERGENCY.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 17-80-103 is amended to read as follows:

27 17-80-103. Immunity of board members and individuals acting on behalf  
28 of boards including expert witnesses.

29 ~~No~~ A member of a board or any individual acting on behalf of the board  
30 of any profession or occupation classified under the laws of the State of  
31 Arkansas as a profession of the healing arts, including an expert witness  
32 acting on behalf of the board, shall be is not liable in damages to any  
33 person for slander, libel, defamation of character, breach of any privileged  
34 communication, or otherwise for any action taken or recommendation made  
35 within the scope of the functions of the board if the board member or the  
36 individual acting on behalf of the board, including an expert witness acting



1 on behalf of the board, acts without malice and in the reasonable belief that  
2 the action or recommendation is warranted by the facts known to him or her  
3 after a reasonable effort is made to obtain the facts on which the action is  
4 taken or the recommendation is made.

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6 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
7 General Assembly of the State of Arkansas that boards of any profession or  
8 occupation classified under the laws of this state as a profession of healing  
9 arts often utilize expert witnesses; that the boards are having difficulty  
10 finding expert witnesses willing to testify because expert witnesses are not  
11 explicitly granted immunity from suit and judgment and may be subject to  
12 lawsuits based on their testimonies or opinions; that the powers of the  
13 boards are impaired by the difficulty of finding expert witnesses to testify,  
14 which hinders the boards' statutory duty to protect the health and welfare of  
15 the citizens of the State of Arkansas; that granting immunity from suit and  
16 judgment to expert witnesses acting on behalf of the boards is a  
17 clarification of the existing law that would help protect the health and  
18 welfare of the citizens of the State of Arkansas; and that this act is  
19 immediately necessary to ensure the boards can fulfill their statutory duty  
20 to protect of health and welfare of the citizens of the State of Arkansas.  
21 Therefore, an emergency is declared to exist, and this act being immediately  
22 necessary for the preservation of the public peace, health, and safety shall  
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,  
26 the expiration of the period of time during which the Governor may veto the  
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is  
29 overridden, the date the last house overrides the veto.

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