

1 SB62
2 145786-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 01/29/2013

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8 SYNOPSIS: Under existing law, certain persons in
9 certain circumstances are granted civil immunity
10 for their actions.

11 This bill would provide civil immunity to
12 any person who volunteers without cost to provide
13 temporary care under the direction of the primary
14 home caregiver for a person who has a disability or
15 a chronic illness. A volunteer who, in good faith,
16 performs the care without making any charge for
17 goods or services therefor may not be liable for
18 any civil damages as a result of any act or
19 omission by the volunteer in rendering the care or
20 as a result of any act or failure to act to provide
21 or arrange for care for the person with a
22 disability or a chronic illness, if the volunteer
23 acts as a reasonably prudent person would have
24 acted under the same or similar circumstances.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 6-5-332 of the Code of Alabama
4 1975, the Good Samaritan Law, to provide civil immunity to any
5 person who volunteers without cost to provide temporary care
6 under the direction of the primary home caregiver for a person
7 who has a disability or a chronic illness. Such a volunteer
8 who, in good faith, performs the care without making any
9 charge for goods or services therefor may not be liable for
10 any civil damages as a result of any act or omission by the
11 volunteer in rendering the care or as a result of any act or
12 failure to act to provide or arrange for care for the person
13 with a disability or a chronic illness, if the volunteer acts
14 as a reasonably prudent person would have acted under the same
15 or similar circumstances.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 6-5-332 of the Code of Alabama
18 1975, is amended to read as follows:

19 "§6-5-332.

20 "(a) When any doctor of medicine or dentistry,
21 nurse, member of any organized rescue squad, member of any
22 police or fire department, member of any organized volunteer
23 fire department, Alabama-licensed emergency medical
24 technician, intern, or resident practicing in an Alabama
25 hospital with training programs approved by the American
26 Medical Association, Alabama state trooper, medical aidman
27 functioning as a part of the military assistance to safety and

1 traffic program, chiropractor, or public education employee
2 gratuitously and in good faith, renders first aid or emergency
3 care at the scene of an accident, casualty, or disaster to a
4 person injured therein, he or she shall not be liable for any
5 civil damages as a result of his or her acts or omissions in
6 rendering first aid or emergency care, nor shall he or she be
7 liable for any civil damages as a result of any act or failure
8 to act to provide or arrange for further medical treatment or
9 care for the injured person.

10 "(b) Any member of the crew of a helicopter which is
11 used in the performance of military assistance to safety and
12 traffic programs and is engaged in the performance of
13 emergency medical service acts shall be exempt from personal
14 liability for any property damages caused by helicopter
15 downwash or by persons disembarking from the helicopter.

16 "(c) When any physician gratuitously advises medical
17 personnel at the scene of an emergency episode by direct voice
18 contact, to render medical assistance based upon information
19 received by voice or biotelemetry equipment, the actions
20 ordered taken by the physician to sustain life or reduce
21 disability shall not be considered liable when the actions are
22 within the established medical procedures.

23 "(d) Any person who is qualified by a federal or
24 state agency to perform mine rescue planning and recovery
25 operations, including mine rescue instructors and mine rescue
26 team members, and any person designated by an operator
27 furnishing a mine rescue team to supervise, assist in planning

1 or provide service thereto, who, in good faith, performs or
2 fails to perform any act or service in connection with mine
3 rescue planning and recovery operations shall not be liable
4 for any civil damages as a result of any acts or omissions.
5 Nothing contained in this subsection shall be construed to
6 exempt from liability any person responsible for an overall
7 mine rescue operation, including an operator of an affected
8 facility and any person assuming responsibility therefor under
9 federal or state statutes or regulations.

10 "(e) A person or entity, who in good faith and
11 without compensation renders emergency care or treatment to a
12 person suffering or appearing to suffer from cardiac arrest,
13 which may include the use of an automated external
14 defibrillator, shall be immune from civil liability for any
15 personal injury as a result of care or treatment or as a
16 result of any act or failure to act in providing or arranging
17 further medical treatment where the person acts as an ordinary
18 prudent person would have acted under the same or similar
19 circumstances, except damages that may result from the gross
20 negligence of the person rendering emergency care. This
21 immunity shall extend to the licensed physician or medical
22 authority who is involved in automated external defibrillator
23 site placement, the person who provides training in CPR and
24 the use of the automated external defibrillator, and the
25 person or entity responsible for the site where the automated
26 external defibrillator is located. This subsection
27 specifically excludes from the provision of immunity any

1 designers, manufacturers, or sellers of automated external
2 defibrillators for any claims that may be brought against such
3 entities based upon current Alabama law.

4 "(f) Any licensed engineer, licensed architect,
5 licensed surveyor, licensed contractor, licensed
6 subcontractor, or other individual working under the direct
7 supervision of the licensed individual who participates in
8 emergency response activities under the direction of, or in
9 connection with, a community emergency response team, county
10 emergency management agency, the state emergency management
11 agency, or the Federal Emergency Management Agency shall not
12 be liable for any civil damages as a result of any acts,
13 services, or omissions provided without compensation, in such
14 capacity if the individual acts as a reasonably prudent person
15 would have acted under the same or similar circumstances. The
16 immunity provided in this subsection shall apply to any acts,
17 services, or omissions provided within 90 days after
18 declaration of the emergency.

19 "(g) Any person, who, in good faith, renders
20 emergency care at the scene of an accident or emergency to the
21 victim or victims thereof without making any charge of goods
22 or services therefor shall not be liable for any civil damages
23 as a result of any act or omission by the person in rendering
24 emergency care or as a result of any act or failure to act to
25 provide or arrange for further medical treatment or care for
26 the injured person if the individual acts as a reasonably

1 prudent person would have acted under the same or similar
2 circumstances.

3 "(h) Any person who volunteers without cost to
4 provide temporary care under the direction of the primary home
5 caregiver for a person who has a disability or a chronic
6 illness, and who, in good faith, performs the care without
7 making any charge for goods or services therefor may not be
8 liable for any civil damages as a result of any act or
9 omission by the volunteer rendering the care or as a result of
10 any act or failure to act to provide or arrange for care for
11 the person with a disability or a chronic illness, if the
12 volunteer acts as a reasonably prudent person would have acted
13 under the same or similar circumstances."

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.