

ACT No. 2011 - 529

1 HB510
2 128653-3
3 By Representatives Collins, Williams (D), Hammon, Oden, Henry,
4 Nordgren, Johnson (K), Ball, Jones, Patterson, Long, Baughn,
5 Givan and Burdine
6 RFD: Public Safety and Homeland Security
7 First Read: 14-APR-11



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

To amend Section 6-5-332 of the Code of Alabama 1975, the Good Samaritan Law, to provide civil immunity to any person, who, in good faith and without compensation, participates in emergency response activities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§6-5-332.

"(a) When any doctor of medicine or dentistry, nurse, member of any organized rescue squad, member of any police or fire department, member of any organized volunteer fire department, Alabama-licensed emergency medical technician, intern, or resident practicing in an Alabama hospital with training programs approved by the American Medical Association, Alabama state trooper, medical aidman functioning as a part of the military assistance to safety and traffic program, chiropractor, or public education employee gratuitously and in good faith, renders first aid or emergency care at the scene of an accident, casualty, or disaster to a person injured therein, he or she shall not be liable for any civil damages as a result of his or her acts or omissions in rendering first aid or emergency care, nor shall he or she be liable for any civil damages as a result of any act or failure

1 to act to provide or arrange for further medical treatment or
2 care for the injured person.

3 "(b) Any member of the crew of a helicopter which is
4 used in the performance of military assistance to safety and
5 traffic programs and is engaged in the performance of
6 emergency medical service acts shall be exempt from personal
7 liability for any property damages caused by helicopter
8 downwash or by persons disembarking from the helicopter.

9 "(c) When any physician gratuitously advises medical
10 personnel at the scene of an emergency episode by direct voice
11 contact, to render medical assistance based upon information
12 received by voice or biotelemetry equipment, the actions
13 ordered taken by the physician to sustain life or reduce
14 disability shall not be considered liable when the actions are
15 within the established medical procedures.

16 "(d) Any person who is qualified by a federal or
17 state agency to perform mine rescue planning and recovery
18 operations, including mine rescue instructors and mine rescue
19 team members, and any person designated by an operator
20 furnishing a mine rescue team to supervise, assist in planning
21 or provide service thereto, who, in good faith, performs or
22 fails to perform any act or service in connection with mine
23 rescue planning and recovery operations shall not be liable
24 for any civil damages as a result of any acts or omissions.
25 Nothing contained in this subsection shall be construed to

1 exempt from liability any person responsible for an overall
2 mine rescue operation, including an operator of an affected
3 facility and any person assuming responsibility therefor under
4 federal or state statutes or regulations.

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

1 "(f) Any licensed engineer, licensed architect,
2 licensed surveyor, licensed contractor, licensed
3 subcontractor, or other individual working under the direct
4 supervision of the licensed individual who participates in
5 emergency response activities under the direction of, or in
6 connection with, a community emergency response team, county
7 emergency management agency, the state emergency management
8 agency, or the Federal Emergency Management Agency shall not
9 be liable for any civil damages as a result of any acts,
10 services, or omissions provided without compensation, in such
11 capacity if the individual acts as a reasonably prudent person
12 would have acted under the same or similar circumstances. The
13 immunity provided in this subsection shall apply to any acts,
14 services, or omissions provided within ~~30~~ 90 days after
15 declaration of the emergency.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

~~_____~~

Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 24-MAY-11.

Greg Pappas
Clerk

Senate	02-JUN-11	Amended and Passed
House	02-JUN-11	Concurred in Senate Amendment

APPROVED *June 9, 2011*
TIME *10:20 a.m.*
Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2011-579
Bill Num....: H-510
Recv'd 06/09/11 04:09pmJJB