

1 SB324  
2 137056-1  
3 By Senator Bussman  
4 RFD: Judiciary  
5 First Read: 16-FEB-12

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8 SYNOPSIS: Under existing law, certain persons who  
9 render assistance at the scene of an accident or  
10 emergency situation are in certain circumstances  
11 granted civil immunity for their actions.

12 This bill would provide civil immunity to  
13 certain licensed psychologists, licensed  
14 professional counselors, or licensed social workers  
15 who render services without compensation or  
16 participate in emergency response activities.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 To amend Section 6-5-332 of the Code of Alabama  
23 1975, as amended by Act 2011-579 of the 2011 Regular Session,  
24 the Good Samaritan Law, to provide civil immunity to certain  
25 licensed psychologists, licensed professional counselors, or  
26 licensed social workers who render services without  
27 compensation or participate in emergency response activity.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 6-5-332 of the Code of Alabama  
3 1975, as amended by Act 2011-579 of the 2011 Regular Session,  
4 is amended to read as follows:

5 "§6-5-332.

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

23 "(b) Any member of the crew of a helicopter which is  
24 used in the performance of military assistance to safety and  
25 traffic programs and is engaged in the performance of  
26 emergency medical service acts shall be exempt from personal

1 liability for any property damages caused by helicopter  
2 downwash or by persons disembarking from the helicopter.

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

10 "(d) Any person who is qualified by a federal or  
11 state agency to perform mine rescue planning and recovery  
12 operations, including mine rescue instructors and mine rescue  
13 team members, and any person designated by an operator  
14 furnishing a mine rescue team to supervise, assist in planning  
15 or provide service thereto, who, in good faith, performs or  
16 fails to perform any act or service in connection with mine  
17 rescue planning and recovery operations shall not be liable  
18 for any civil damages as a result of any acts or omissions.  
19 Nothing contained in this subsection shall be construed to  
20 exempt from liability any person responsible for an overall  
21 mine rescue operation, including an operator of an affected  
22 facility and any person assuming responsibility therefor under  
23 federal or state statutes or regulations.

24 "(e) A person or entity, who in good faith and  
25 without compensation renders emergency care or treatment to a  
26 person suffering or appearing to suffer from cardiac arrest,  
27 which may include the use of an automated external

1 defibrillator, shall be immune from civil liability for any  
2 personal injury as a result of care or treatment or as a  
3 result of any act or failure to act in providing or arranging  
4 further medical treatment where the person acts as an ordinary  
5 prudent person would have acted under the same or similar  
6 circumstances, except damages that may result from the gross  
7 negligence of the person rendering emergency care. This  
8 immunity shall extend to the licensed physician or medical  
9 authority who is involved in automated external defibrillator  
10 site placement, the person who provides training in CPR and  
11 the use of the automated external defibrillator, and the  
12 person or entity responsible for the site where the automated  
13 external defibrillator is located. This subsection  
14 specifically excludes from the provision of immunity any  
15 designers, manufacturers, or sellers of automated external  
16 defibrillators for any claims that may be brought against such  
17 entities based upon current Alabama law.

18 "(f) Any licensed engineer, licensed architect,  
19 licensed surveyor, licensed contractor, licensed  
20 subcontractor, or other individual working under the direct  
21 supervision of the licensed individual who participates in  
22 emergency response activities under the direction of, or in  
23 connection with, a community emergency response team, county  
24 emergency management agency, the state emergency management  
25 agency, or the Federal Emergency Management Agency shall not  
26 be liable for any civil damages as a result of any acts,  
27 services, or omissions provided without compensation, in such

1 capacity if the individual acts as a reasonably prudent person  
2 would have acted under the same or similar circumstances. The  
3 immunity provided in this subsection shall apply to any acts,  
4 services, or omissions provided within 90 days after  
5 declaration of the emergency.

6 "(g) Any person, who, in good faith, renders  
7 emergency care at the scene of an accident or emergency to the  
8 victim or victims thereof without making any charge of goods  
9 or services therefor shall not be liable for any civil damages  
10 as a result of any act or omission by the person in rendering  
11 emergency care or as a result of any act or failure to act to  
12 provide or arrange for further medical treatment or care for  
13 the injured person if the individual acts as a reasonably  
14 prudent person would have acted under the same or similar  
15 circumstances.

16 "(h) When a licensed psychologist, licensed  
17 professional counselor, or licensed social worker,  
18 gratuitously and in good faith, renders emergency mental  
19 health treatment at the scene of an accident, casualty, or  
20 disaster to a person affected at the scene, he or she may not  
21 be liable for any civil damages as a result of his or her acts  
22 or omissions in rendering emergency mental health treatment or  
23 be liable for any civil damages as a result of any act or  
24 failure to act or to provide or arrange for further mental  
25 health treatment or care for the affected person, if the  
26 individual acts as a reasonably prudent person would have  
27 acted under the same or similar 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.