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3 SENATE HEALTH COMMITTEE SUBSTITUTE FOR HB55, AS ENGROSSED  
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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 if the volunteer acts as a  
16 reasonably prudent person would have acted under  
17 the same or similar circumstances.  
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19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To amend Section 6-5-332 of the Code of Alabama  
24 1975, the Good Samaritan Law, to provide civil immunity to any  
25 person who volunteers without cost to provide temporary care  
26 under the direction of the primary home caregiver for a person

1 who has a disability or a chronic illness if the volunteer  
2 acts as a reasonably prudent person would have acted under the  
3 same or similar circumstances.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 "§6-5-332.

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

25 "(b) Any member of the crew of a helicopter which is  
26 used in the performance of military assistance to safety and

1 traffic programs and is engaged in the performance of  
2 emergency medical service acts shall be exempt from personal  
3 liability for any property damages caused by helicopter  
4 downwash or by persons disembarking from the helicopter.

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

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

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

22           "(f) Any licensed engineer, licensed architect,  
23 licensed surveyor, licensed contractor, licensed  
24 subcontractor, or other individual working under the direct  
25 supervision of the licensed individual who participates in  
26 emergency response activities under the direction of, or in

1 connection with, a community emergency response team, county  
2 emergency management agency, the state emergency management  
3 agency, or the Federal Emergency Management Agency shall not  
4 be liable for any civil damages as a result of any acts,  
5 services, or omissions provided without compensation, in such  
6 capacity if the individual acts as a reasonably prudent person  
7 would have acted under the same or similar circumstances. The  
8 immunity provided in this subsection shall apply to any acts,  
9 services, or omissions provided within 90 days after  
10 declaration of the emergency.

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

21 "(h) Any person who volunteers without cost to  
22 provide temporary care under the direction of the primary home  
23 caregiver for a person who has a disability or a chronic  
24 illness, and who, in good faith, performs the care without  
25 making any charge for goods or services therefor, may not be  
26 liable for any civil damages resulting from any act or

1 omission by the volunteer rendering the care or as a result of  
2 any act or failure to act to provide or arrange for care for  
3 the person with a disability or a chronic illness, if the  
4 volunteer acts as a reasonably prudent person would have acted  
5 under the same or similar circumstances."

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