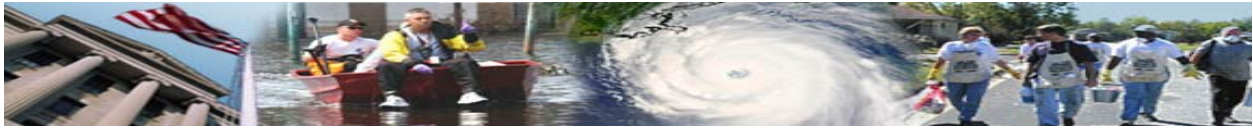


Good Samaritan Entity Liability Protection



Key Elements and Sample Bill Language

Key Elements

The Good Samaritan Entity Liability Protection proposal contains four key elements:

1. Extend Good Samaritan protection to business & non-profit entities acting in good faith during an emergency.

As a policy matter, this simple change puts businesses and non-profits on the same footing as individuals, who are encouraged by law to act in good faith to assist others in emergencies.

2. Coverage triggered by a Governor's emergency declaration.

Coverage for businesses and non-profits would be automatically activated when the Governor of a state declares an emergency. No federal declaration is required. Private and non-profit sector leaders seem to feel more comfortable with coverage being triggered by a governor-declared emergency, rather than waiting for a federal declaration.

3. Applies to those emergency activities conducted in coordination with a state agency.

The liability protection would *not* extend to private and non-profit organizations acting unilaterally and without coordination with state or local government. Response activities must be conducted pursuant to the order or request of the state government or any political subdivision of the state. This provision encourages the desired cooperation between the public, private, and non-profit sectors.

4. Includes pre-event planning and training activities that take place prior to the declared emergency.

Once the governor declares an emergency, liability protection for business and non-profit organizations would extend retroactively to cover any pre-event planning and training activities that may have taken place prior to the emergency. This provision is designed to encourage the development of pre-event memoranda of understanding between public, private, and non-profit entities, as well as training, table-top and practice events among such stakeholders.

Sample Bill Language

“Any natural person, association, organization, private entity, religious organization, or charitable organization, and the officers, directors, employees, and agents of any such entity, association, or organization, who voluntarily and without the expectation or receipt of compensation provides services and goods at any place in this State subject to the order or control of or pursuant to a request of the State government or any political subdivision of the State in preparation for, anticipation of or during a time of emergency, and in a place of emergency as declared by the Governor for the benefit of any natural person or natural person’s property to prevent and/or minimize harm to a natural person or to prevent, minimize, and repair injury and damage to a natural person’s property resulting from biological, chemical, or nuclear agents, terrorism, pandemic or epidemic of infectious disease, catastrophic acts of nature, including but not limited to fire, flood, earthquake, wind, storm, or wave action, or any other emergency situation as declared by the Governor when the Governor invokes this Code Section by executive order shall not be liable to any natural person receiving such assistance as a result of any act or omission in rendering such service if such natural person, entity, association, or organization was acting in good faith and unless the damage or injury was caused by the willful or wanton negligence or misconduct of such natural person, entity, association, or organization. Nothing contained in this code section shall amend, repeal, alter, or affect in any manner any other immunity provided elsewhere in the Code.”

Several states drafted Good Samaritan Entity Liability Protection in 2007. Click on the links below to view the text:

[California Assembly Bill 880](#) (pdf).

[Georgia House Bill 89](#) (pdf). See Section 4.

[Iowa House File 925](#). See Section 21, on page 13, line 33. Enacted May 11, 2007.

[New Mexico Senate Bill 16](#) (pdf).

[North Carolina Draft Language for GS166A-14](#) (pdf).