

THE GOOD SAMARITAN AND RELATED ACTS
42 PA CSA § 8331-8338

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§ 8331. Medical good Samaritan civil immunity

(a) General rule.--Any physician or any other practitioner of the healing arts or any registered nurse, licensed by any state, who happens by chance upon the scene of an emergency or who arrives on the scene of an emergency by reason of serving on an emergency call panel or similar committee of a county medical society or who is called to the scene of an emergency by the police or other duly constituted officers of a government unit or who is present when an emergency occurs and who, in good faith, renders emergency care at the scene of the emergency, shall not be liable for any civil damages as a result of any acts or omissions by such physician or practitioner or registered nurse in rendering the emergency care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving emergency care.

(b) Definition.--As used in this section "good faith" shall include, but is not limited to, a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the patient is hospitalized.

§ 8331.2. Good Samaritan civil immunity for use of automated external defibrillator

(a) General rule.--Except as otherwise provided in this section, any individual who is trained to use an automated external defibrillator in accordance with subsection (c) and who in good faith uses an AED in an emergency shall not be liable for any civil damages as a result of any acts or omissions by such individual in using the AED, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the individual receiving the AED treatment.

(b) Requirements.--Any person who acquires and maintains an AED for use in accordance with this section shall not be liable for civil damages provided that the person:

- (1) Ensures that expected AED users receive training pursuant to subsection (c).

(2) Maintains and tests the AED according to the manufacturer's operational guidelines.

(3) Provides instruction requiring the user of the AED to utilize available means to immediately contact and activate the emergency medical services system.

(4) Assures that any appropriate data or information is made available to emergency medical services personnel or other health care providers as requested.

(c) Training.--For purposes of this section, expected AED users shall complete training in the use of an AED provided by the American National Red Cross or the American Heart Association or through an equivalent course of instruction approved by the Department of Health in consultation with a technical committee of the Pennsylvania Emergency Health Services Council.

(d) Obstruction of emergency medical services personnel.--Nothing in this section shall relieve a person who uses an AED from civil damages when that person obstructs or interferes with care and treatment being provided by emergency medical services personnel or a health professional.

(e) Exception.--Any individual who lacks the training set forth in subsection (c) but who has access to an AED and in good faith uses an AED in an emergency as an ordinary, reasonably prudent individual would do under the same or similar circumstances shall receive immunity from civil damages as set forth in subsection (a).

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Automated external defibrillator" or "AED." A portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

"Emergency." A situation where an individual is believed to be in cardiac arrest and in need of immediate medical attention to prevent death or serious injury.

"Good faith." Includes a reasonable opinion that the immediacy of the situation is such that the use of an AED should not be postponed until emergency medical services personnel arrive or the person is hospitalized.

§ 8331.3. Criminal victim aid good Samaritan civil immunity

(a) General rule.--Any person who provides or obtains or attempts to provide or obtain assistance for a victim of a personal injury crime at the scene of the personal injury crime or attempted personal injury crime shall not be liable for any civil damages as a result of any acts or omissions in providing or obtaining or attempting to provide or obtain assistance, except any acts or omissions intentionally designed to harm or any acts or omissions that constitute gross negligence or willful, wanton or reckless conduct.

(b) Definitions.--The terms "personal injury crime" and "victim" shall have the same meanings given to them in section 103 of the act of November 24, 1998 (P.L. 882, No. 111), [FN1] known as the Crime Victims Act.

§ 8332. Nonmedical good Samaritan civil immunity

(a) General rule.--Any person who renders emergency care, first aid or rescue at the scene of an emergency, or moves the person receiving such care, first aid and rescue to a hospital or other place of medical care, shall not be liable to such person for any civil damages as a result of any acts or omissions in rendering the emergency care, first aid or rescue, or moving the person receiving the same to a hospital or other place of medical care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving the emergency care, first aid or rescue or being moved to a hospital or other place of medical care.

(b) Exceptions.--

(1) This section shall not relieve a driver of an ambulance or other emergency or rescue vehicle from liability arising from operation or use of such vehicle.

(2) In order for any person to receive the benefit of the exemption from civil liability provided for in subsection (a), he shall be, at the time of rendering the emergency care, first aid or rescue or moving the person receiving emergency care, first aid or rescue to a hospital or other place of medical care, the holder of a current certificate evidencing the successful completion of a course in first aid, advanced life saving or basic life support sponsored by the American National Red Cross or the American Heart Association or an equivalent course of instruction approved by the Department of Health in consultation with a technical committee of the Pennsylvania Emergency Health Services Council and must be performing techniques and employing procedures consistent with the nature and level of the training for which the certificate has been issued.

§ 8332.3. Volunteer firefighter civil immunity

Volunteer firefighters shall be treated as public employees as defined in section 8501 (relating to definitions). This section shall not be construed to reduce or eliminate any other immunity

provided to volunteer firefighters by law.

§ 8332.4. Volunteer-in-public-service negligence standard

(a) Services covered.--

(1) Except as provided otherwise in this section, no person who, without compensation and as a volunteer, renders public services for a nonprofit organization under section 501(c)(3), (4) or (6) of the Internal Revenue Code of 1986 (68A Stat. 3, 26 U.S.C. § 501(c)(3), (4) or (6)) or for a Commonwealth or local government agency conducting or sponsoring a public service program or project shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such person falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such services and unless it is shown that such person did an act or omitted the doing of an act which such person was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person fell below ordinary standards of care.

(2) Except as provided otherwise in this section, no design professional who, without compensation and as a volunteer, provides professional services related to a declared national, State or local emergency caused by a major earthquake, hurricane, tornado, explosion, collapse or other similar disaster or catastrophic event at the request of or with the approval of a Federal, State or local public official, law enforcement official, public safety official or building inspection official acting in an official capacity shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such design professional falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such professional services and unless it is shown that such design professional did an act or omitted the doing of an act which such design professional was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such design professional fell below ordinary standards of care.

(b) Exceptions.--

(1) Nothing in this section shall be construed as affecting or modifying the liability of such person for acts or omissions relating to the transportation of participants in a public service program or project or others to or from a public service program or project.

(2) Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the standard of negligence established by this section.

(c) Assumption of risk or contributory fault.--Nothing in this section shall be construed as affecting or modifying the doctrine of assumption of risk or contributory fault on the part of the

participant.

(d) Construction.--The negligence standard created by this section shall not be deemed to abrogate or lessen any immunity or other protection against liability granted by statute or court decision.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Compensation." The term shall not include reimbursement for reasonable expenses actually incurred or to be incurred.

"Design professional." An individual licensed by the Commonwealth of Pennsylvania as an architect, geologist, land surveyor, landscape architect or professional engineer.

"Public service program or project." An organized program, or other public service ordinarily conducted or rendered by volunteers.

§ 8334. Civil immunity in mass immunization projects

(a) General rule.--Any physician who does not receive remuneration for his services in a mass immunization project approved in writing by the Department of Health or its designee under the provisions of the act of September 19, 1974 (P.L. 644, No. 210), [FN1] and any registered nurse, or practical nurse licensed to practice in this Commonwealth who shall participate in such project and any State, county or local medical society, medical or health facility, agency or clinic approved by the department shall not be liable, except for gross negligence, to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine in such project by such physician or such nurse. Neither the department nor its designee shall approve any such project unless the department or its designee finds that the project conforms to good medical and public health practice.

(b) Exception.--This section shall not exempt any drug manufacturer from any liability for any drug or vaccine used in such project.

§ 8338.1. Liability for damages from donated vehicles or equipment to volunteer fire companies

(a) General rule.--A person is not subject to civil liability arising from the nature or condition of vehicles or equipment which were reasonably believed to be in good condition, donated in good faith to a volunteer fire company and for which all known defects were disclosed by the person to the volunteer fire company. Any person donating vehicles or equipment shall reveal all known defects to the donee. This section does not apply to an injury or death to any person that results from an act or omission of the donor constituting gross negligence, recklessness or intentional misconduct.

(b) Nonliability.--This section shall not be construed as establishing any liability.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Donate." To give or distribute without requiring anything of monetary value from the ultimate recipient. For purposes of this section, a volunteer fire company may donate to another volunteer fire company, notwithstanding that the donor has charged a processing fee to the donee, provided the ultimate recipient or user is not required to give anything of monetary value.

"Person." An individual, corporation, partnership, organization, association or government entity. In the case of a corporation, partnership, organization, association or governmental entity, the term also includes, but is not limited to, an officer, director, partner, deacon, trustee, council member or other elected or appointed individual responsible for the governance of such entity.

"Volunteer ambulance service." Any nonprofit chartered corporation, association or organization which is located in this Commonwealth and which is regularly engaged in the service of providing emergency medical care and transportation of patients.

"Volunteer fire company." Any nonprofit chartered corporation, association or organization which is located in this Commonwealth and which provides fire protection services and other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

"Volunteer rescue service." Any nonprofit chartered corporation, association or organization which is located in this Commonwealth and which provides rescue services in this Commonwealth.