

# GOOD SAMARITAN LAW

## OVERVIEW

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# Introduction



## The Good Samaritan Law...

- ❖ Offers legal protection to people who give reasonable assistance to those who are, or whom they believe to be injured, ill, in peril, or otherwise incapacitated.
- ❖ Is intended to reduce bystanders' hesitation to assist, for fear of being sued or prosecuted for unintentional injury or wrongful death.
- ❖ Varies from jurisdiction to jurisdiction.
- ❖ Does not apply to medical professionals' or career emergency responders' on-the-job conduct.
- ❖ Takes its name from the Parable of the Good Samaritan (Lk 10:29-37).

# Good Samaritan Law in USA

All 50 states and DC have some type of GS law. The details of the law vary by jurisdiction, including who is protected from liability and under what circumstances.

## COMMON FEATURES

- **Duty to Assist:** No person is required to give aid of any sort to a victim.
- **Imminent Peril:** If a victim is not in imminent peril and aid is provided, a court may rule that this law does not apply.
- **Reward/Compensation:** Only first aid provided without the intention of reward or financial compensation is covered.
- **Obligation to Remain:** If a responder begins giving aid, he/she must not leave the scene until it is necessary to call for needed medical assistance. The responder is not legally liable for any harm to the person assisted, as long as he/she acted rationally, in good faith, and in accordance with their level of training.

# Good Samaritan Law in CA (con't.)

## Common Features (con't.)

- **Consent:** The responder must obtain the consent of the victim/legal guardian (for a minor) unless this is not possible; failing to do so may attract a charge of assault or battery.
  - **Implied Consent:** involves a victim who is unconscious, delusional, intoxicated, or deemed mentally unfit to make decisions regarding his/her safety; of if the responder has a reasonable belief that this is so. Consent may also be *implied* if the legal parent/guardian is not immediately reachable and the victim is not an adult.

# California Good Samaritan Law

## **Two sections in CA Business & Professional Code apply to licensed medical professionals.**

- ❖ No licensee, who in good faith renders emergency care at the scene of an emergency or medical disaster, shall be liable for any civil damages as a result of any acts or omissions by such person rendering the emergency care. The immunity granted in this section shall not apply in the event of a *willful* act or omission.
- ❖ No licensee, who in good faith upon the request of another person so licensed, renders emergency medical care to a person for medical complication arising from prior care by another person so licensed, shall be liable for any civil damages as a result of any acts or omissions by such licensed person in rendering the emergency medical care.