

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1036  
Second Edition Engrossed 5/11/89

Short Title: Good Samaritan Changes.

(Public)

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Sponsors: Representatives Nesbitt, Colton, N. Crawford, Greenwood; Anderson, Balmer, Blue, Chapin, J. Crawford, B. Ethridge, Fletcher, Hackney, Hardaway, R. Hunter, Lineberry, Michaux, Perdue, Ramsey, Watkins, and Wicker.

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Referred to: Judiciary.

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April 6, 1989

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT MEDICAL AND HEALTH CARE PROVIDERS  
2 WHO VOLUNTARILY PROVIDE TREATMENT AT LOCAL HEALTH  
3 DEPARTMENT FACILITIES AND NON-PROFIT COMMUNITY HEALTH  
4 CENTERS ARE UNDER THE GOOD SAMARITAN STATUTE.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 90-21.14 reads as rewritten:

8 **"§ 90-21.14. First aid or emergency treatment; liability limitation.**

9 (a) Any person, including a volunteer member of a rescue squad who receives no  
10 compensation for his services as an emergency medical care provider, who renders first  
11 aid or emergency health care treatment to a person who is unconscious, ill or injured,

12 (1) When the reasonably apparent circumstances require prompt decisions  
13 and actions in medical or other health care, and

14 (2) When the necessity of immediate health care treatment is so  
15 reasonably apparent that any delay in the rendering of the treatment  
16 would seriously worsen the physical condition or endanger the life of  
17 the person, shall not be liable for damages for injuries alleged to have  
18 been sustained by the person or for damages for the death of the person  
19 alleged to have occurred by reason of an act or omission in the  
20 rendering of the treatment unless it is established that the injuries were  
21 or the death was caused by gross negligence, wanton conduct or

1 intentional wrongdoing on the part of the person rendering the  
2 treatment.

3 (b) Nothing in this section shall be deemed or construed to relieve any person  
4 from liability for damages for injury or death caused by an act or omission on the part of  
5 such person while rendering health care services in the normal and ordinary course of  
6 his business or profession. Services provided by a medical or health care provider who  
7 receives no compensation for his services and who voluntarily renders treatment at  
8 facilities of local health departments as defined in G.S. 130A-2 or at a non-profit  
9 community health center, are deemed not to be in the normal and ordinary course of the  
10 volunteer medical or health care provider's business or profession.

11 (c) In the event of any conflict between the provisions of this section and those of  
12 G.S. 20-166(d), the provisions of G.S. 20-166(d) shall control and continue in full force  
13 and effect."

14 Sec. 2. This act shall become effective September 1, 1989, and shall apply to  
15 volunteer health care services provided and to actions filed on or after that date.