

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1037

Short Title: Good Samaritans/Athletes.

(Public)

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

Referred to: Judiciary.

April 6, 1989

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT ATHLETIC TEAM HEALTH CARE PROVIDER
2 VOLUNTEERS ARE INCLUDED UNDER THE GOOD SAMARITAN
3 STATUTE.
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5 The General Assembly of North Carolina enacts:

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

7 "**§ 90-21.14. First aid or emergency treatment; liability limitation.**

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

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

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

1 (b) Nothing in this section shall be deemed or construed to relieve any person
2 from liability for damages for injury or death caused by an act or omission on the part of
3 such person while rendering health care services in the normal and ordinary course of
4 his business or profession. Services provided by a volunteer health care provider who
5 receives no compensation for his services and who renders first aid or emergency
6 treatment to members of athletic teams are deemed not to be in the normal and ordinary
7 course of the volunteer health care provider's business or profession.

8 (c) In the event of any conflict between the provisions of this section and those of
9 G.S. 20-166(d), the provisions of G.S. 20-166(d) shall control and continue in full
10 force and effect.”

11 Sec. 2. This act shall become effective September 1, 1989, and shall apply to
12 first aid or emergency treatment rendered or actions filed on or after that date.