

Colorado Good Samaritan Act for Emergency Care

CRS §13-21-108 Persons rendering emergency assistance exempt from civil liability.

- (1) Any person licensed as a physician and surgeon under the laws of the state of Colorado, or any other person, who in good faith renders emergency care or emergency assistance to a person not presently his patient without compensation at the place of an emergency or accident, including a health care institution as defined in section 13-64-202 (3), shall not be liable for any civil damages for acts or omissions made in good faith as a result of the rendering of such emergency care or emergency assistance during the emergency, unless the acts or omissions were grossly negligent or willful and wanton. This section shall not apply to any person who renders such emergency care or emergency assistance to a patient he is otherwise obligated to cover.
- (2) Any person while acting as a volunteer member of a rescue unit, as defined in section 25-3.5-103 (11), C.R.S., notwithstanding the fact that such organization may recover actual costs incurred in the rendering of emergency care or assistance to a person, who in good faith renders emergency care or assistance without compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.
- (3) Any person, including a licensed physician, surgeon, or other medical personnel, while acting as a volunteer member of a ski patrol or ski area rescue unit, notwithstanding the fact that such person may receive free skiing privileges or other benefits as a result of his volunteer status, who in good faith renders emergency care or assistance without other compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.
- (4)
 - (a) Notwithstanding the fact that the person may be reimbursed for the person's costs or that the nonprofit organization may receive a grant or other funding, any person who, while acting as a volunteer for any nonprofit organization operating a telephone hotline, answers questions of or provides counseling to members of the public in crisis situations shall not be liable for any civil damages for acts or omissions made in good faith as a result of discussions or counseling provided on the hotline.
 - (b) As used in this subsection (4), unless the context otherwise requires, "hotline" means a telephone line staffed by individuals who provide immediate assistance to callers in emergency or crisis situations.

- (5) **An employer** shall not be liable for any civil damages for acts or omissions made by an employee while rendering emergency care or emergency assistance if the employee:
- (a) Renders the emergency care or emergency assistance in the course of his or her employment for the employer; and
 - (b) Is personally exempt from liability for civil damages for the acts or omissions under subsection (1) of this section.

Source: L. 65: p. 527, § 1. C.R.S. 1963: § 41-2-8. L. 75: Entire section amended, p. 285, § 21, effective July 25. L. 77: Entire section R&RE, p. 1278, § 1, effective January 1, 1978. L. 83: Entire section amended, p. 621, § 1, effective May 26. L. 90: (1) amended and (3) added, pp. 862, 1544, §§ 2, 8, effective July 1. L. 2004: (4) added, p. 115, § 1, effective August 4. L. 2005: (5) added, p. 204, § 1, effective August 8.

Editor's note: Section 2 of chapter 51, Session Laws of Colorado 2005, provides that the act enacting subsection (5) applies to causes of action arising on or after August 8, 2005. The act was passed without a safety clause. For an explanation concerning the effective date, see page vii of this volume.

Cross references: (1) For the exemption from civil liability for veterinarians providing emergency care or treatment to an animal, see § 12-64-118; for the exemption from civil liability for persons administering tests to persons suspected of drunken or drugged driving, see § 42-4-1301.1 (6)(b); for the exemption from civil or criminal liability for physicians examining or treating minor victims of sexual assault, see § 13-22-106; for the exemption from civil or criminal liability for physicians acting pursuant to a declaration under the "Colorado Medical Treatment Decision Act", see § 15-18-110.

(2) For the legislative declaration contained in the 1990 act enacting subsection (3), see section 1 of chapter 256, Session Laws of Colorado 1990

Annotation: See 57A Am. Jur.2d, Negligence, §§ 213, 214, 217-220, 226, 228, 231, 689-707.