

Indiana Good Samaritan Law

IC 16-31-6-1

IC 16-31-6 Chapter 6. Immunity From Liability

Sec. 1.

- (a) (a) An ambulance attendant or a certified emergency medical technician who provides emergency ambulance services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the attendant or technician is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the attendant or technician.
- (b) (b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

(As added by P.L.2-1993, SEC.14.)

IC 16-31-6-2

Sec. 2.

- (a) Except for an act of negligence or willful misconduct, a certified first responder who uses an automatic or semiautomatic defibrillator on an emergency patient according to the training procedures established by the commission under IC 16-31-2-9 is immune from civil liability for acts or omissions when rendering those services.
- (b) If the first responder is immune from civil liability for the first responder's act or omission, a person who has only an agency relationship with the first responder is also immune from civil liability for the act or omission.

(As added by P.L.2-1993, SEC.14.)

IC 16-31-6-3

Sec. 3.

An act or omission of a paramedic or advanced emergency medical technician done or omitted in good faith while providing advanced life support to a patient or trauma victim does not impose liability upon the paramedic or advanced emergency medical technician, the authorizing physician, the hospital, or the officers, members of the staff, nurses, or other employees of the hospital or the local governmental unit if the advanced life support is provided:

- (1) in connection with an emergency;
- (2) in good faith; and
- (3) under the written or oral direction of a licensed physician;

unless the act or omission was a result of negligence or willful misconduct.

(As added by P.L.2-1993, SEC.14.)

IC 16-31-6-4

Sec. 4.

(a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an advanced emergency medical technician, an emergency medical technician, or a person with equivalent certification from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the advanced emergency medical technician, the emergency medical technician, the person with equivalent certification from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(As added by P.L.156-2001, SEC.3.)

IC 16-31-6.5 Chapter 6.5. Automatic External Defibrillators

IC 16-31-6.5-1

Sec. 1.

This chapter applies only to persons who are subject to the standards established by the commission under IC 16-31-2-9.

(As added by P.L.24-1998, SEC.1.)

Press Release of Senator Lugar

Good Samaritan Hunger Relief Included in Tax Bill

Bill also includes renewable energy incentives not shown here.

Friday, October 3, 2008

The U.S. House of Representatives today passed the Senate's financial rescue plan, which includes an extension of U.S. Sen. Dick Lugar's Good Samaritan Hunger Relief Tax Incentive Act. The Good Samaritan Hunger Relief Act allows farmers and small business owners to receive a tax deduction for donating food products to food banks, pantries and homeless shelters. The bill awaits the President's signature.

"More than ever, we need to do what we can to restock the shelves of America's food pantries and soup kitchens. Due to natural disasters, higher gas prices, and changes in the economy, more of our neighbors have to rely on these services in our communities," said Lugar.

Current law permits businesses a deduction from their taxes for a donation equal to either 1) twice cost basis; or 2) the difference of cost basis plus one half the difference between cost basis and fair market value. Food donations from all sizes of businesses can qualify for this type of donation. This legislation will extend the provision retroactively from January 1, 2008 through December 31, 2009.

Lugar first introduced the Good Samaritan Hunger Relief Tax Incentive Act in 2000. Although both the Senate and House passed the provisions in earlier Congresses, it failed to reach the President's desk until the 2006 Congress, when it was incorporated into the Pension Protection Act. Previously, this type of deduction was available only to large corporations, not small businesses.

Lugar is an inaugural member of the Senate Hunger Caucus which provides a forum for Senators and staff to discuss hunger issues facing the United States and around the world. Lugar joined the Hunger Caucus to further promote issues, such as incentives to promote charitable food donation, elimination of childhood hunger, foreign food aid and health promotion.

For the full press release and additional information on Senator Lugar's Hunger Relief efforts visit <http://lugar.senate.gov/press>