



# OLR RESEARCH REPORT

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## CONNECTICUT VOLUNTEER IMMUNITY LAWS

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You asked for a description of liability protections for Connecticut volunteers. This report covers Connecticut laws; we will address immunities afforded by federal law separately.

Our office is not authorized to give legal opinions and this report should not be considered one.

### SUMMARY

Connecticut statutes make volunteers engaged in certain activities immune from lawsuits arising from acts of ordinary negligence. The primary source of volunteer protection is the state's Good Samaritan Law, which covers volunteers who provide emergency medical assistance or first aid. Other laws protect civil preparedness personnel, unpaid members of municipal or nonprofit corporation boards, and similar organizations.

With some exceptions, these laws do not immunize (1) volunteers from claims for damages caused by gross or willful and wanton misconduct or (2) organizations for which the immunized person is working or volunteering from liability for a volunteer's negligence.

We also describe below other laws that immunize landowners from liability in certain circumstances.

## **GOOD SAMARITAN LAW**

Connecticut and most states have Good Samaritan Laws with the overriding purpose of encouraging professionals and laypersons to help those in need, even when the actor is under no legal obligation to do so. Although there are a few exceptions, the immunity shields volunteers from claims involving ordinary negligence only; they may be held liable for claims arising from acts of gross or wanton and willful negligence or intentional misconduct.

## **ORDINARY, GROSS, AND WILLFUL AND WANTON NEGLIGENCE**

“Ordinary negligence” is the failure to exercise the care that a prudent and reasonable person would (or would not) use under the same circumstances. (57Am. Jur. 2d, Negligence § 98). “Gross negligence” generally signifies more than ordinary inadvertence or inattention, but less than a conscious indifference to consequences (*Prosser on Torts*, Gross Negligence). And although neither the Connecticut Appeals or Supreme courts have adopted a definition of “willful or wanton negligence,” the usual meaning assigned in legal treatises is an act intentionally done that is unreasonable, taken in disregard of a risk known to the actor or so obvious that he or she must be taken to have been aware of it, and so great as to make it highly probable that harm would follow (Restatement (2<sup>nd</sup>) of Torts, § 500).

### ***Medical Services***

The law grants negligence immunity to the following people who voluntarily, gratuitously, and other than in the ordinary course of employment or practice, provide emergency assistance to people in need:

1. licensed physicians and dentists,
2. registered nurses and licensed practical nurses,
3. medical technicians,
4. those operating (a) cardiopulmonary resuscitators trained in CPR in accordance with Red Cross or Heart Association standards and (b) automatic external defibrillator users,
5. people providing or maintaining defibrillators (CGS § [52-557b\(a\)](#)).

The law also protects teachers and other school personnel who administer medication by injection in emergencies on school grounds, in school buildings, or at school functions. They must have completed both a first aid course that meets the standards described above and one given by the school's medical advisor or a licensed physician (CGS § [52-557b\(f\)](#)).

### ***First Aid***

The following people who render emergency first aid are not liable for ordinary negligence if they have completed a course in first aid offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health (DPH), or any director of health as certified by the agency or director of health offering the course:

1. paid or volunteer firefighters or police officers;
2. teachers or other school personnel on school grounds, in school buildings, or at school functions;
3. ski patrol members;
4. lifeguards;
5. conservation officers;
6. patrol officers or special police officers of the Department of Energy and Environmental Protection;
7. emergency service personnel;
8. railroad employees (who, if trained by one of the entities listed above, are also immune from liability for performing CPR); and
9. people operating automatic external defibrillators (CGS § [52-557b\(a\), \(b\), and \(c\)](#)).

### ***Use of Epinephrine Cartridge Injectors***

Volunteers who have (1) completed a first aid course meeting the standards described above or (2) been trained to use cartridge injectors by a licensed physician, physician assistant, or advanced practice or registered nurse are immune from liability when they use these devices in emergencies (CGS § [52b-557b\(h\)](#)).

The law provides the same immunity to volunteers associated with, and employees of, programs offered by federally tax-exempt, nonprofit corporations for children under age 17 when the user has been trained to use the injector by one of the medical professionals listed above, has parental permission, and the person in need of the medication is a program participant (CGS § [52b-557\(e\)\(2\)](#)). Similarly, in emergencies, people identified as staff members of before- or after- school programs, day camps, or day care facilities are immune from claims arising from their use of such devices on anyone in distress (CGS § [52-557\(h\)](#)). It appears that training is not required of before- and after-school, day camp, or child care facility staff for the immunity to apply (CGS §§ [52-557b\(e\)\(2\)](#) and [\(h\)](#)).

### ***Property Damage***

The Good Samaritan Law also exempts from liability firefighters, police officers, or emergency medical service personnel who forcibly enter homes believing that a person inside is in need of emergency first aid (CGS § [52-557b\(b\)](#)).

### ***Organizational Immunity for Emergency Assistance***

As exceptions to the general rule that the law does not protect the organizations for which a person volunteers or works, (1) railroad companies are immune from suits from individuals claiming that they negligently trained the person who provided the assistance or claiming negligence in providing the equipment (CGS § [52-557b\(d\)](#)) and (2) non-profit corporations are immune for liability based on negligently training volunteers regarding epinephrine cartridge use (CGS § [52-557b\(e\)\(3\)](#)).

## **CIVIL PREPARADENESS**

A separate statute shields people and governmental entities from liability for injury, death, or property damage arising from efforts to comply with civil preparedness statutes and related orders, regulations, or ordinances. The law applies to:

1. the state and political subdivisions, their agents, and representatives;
2. members of state civil preparedness forces and people authorized by a force or force member, and

3. employees and people authorized to assist any federal agency to prevent or mitigate a major disaster or emergency (CGS § [28-13](#)).

### **SERVICE ON BOARDS, COMMISSIONS, COMMITTEES, OR AGENCIES**

Unpaid members of municipal boards, commissions, committees, or agencies are afforded immunity when exercising policy- or decision-making responsibilities. They must have been acting in good faith and within their official capacities and not violating a government or professional code of ethics, the Freedom of Information Act, or laws banning the use of public funds to influence the vote on a referendum (CGS § [52-557b\(n\)\(1\)](#)).

### **IMMUNITY OF DIRECTORS, OFFICERS, AND TRUSTEES OF NONPROFIT, TAX-EXEMPT ORGANIZATIONS**

Any person serving without compensation as a director, officer, or trustee of a nonprofit organization qualified as federally tax-exempt is immune from civil liability for negligently-caused damage or injury resulting from any act, error, or omission made in the exercise of the person's policy- or decision-making responsibilities, if he or she was acting in good faith and within the scope of his or her official functions and duties. Substantially all of the organization's activities must be for charitable purposes and no part of its net earnings can benefit private shareholders (CGS § [52-557m](#)).

### **FOOD DONORS**

The law protects food donors, including people, sellers, farmers, processors, distributors, and retailers, from lawsuits filed by someone injured by the donated food or its packaging. It also protects the donor from criminal liability. The protection extends to donations to nonprofit organizations by people or entities that did not know, or have reasonable grounds to believe, that the food was contaminated or unfit for human consumption (CGS § [52-557l\(a\)](#)).

The law also immunizes certain food establishments, (those that prepare their own food), that donate perishable food for use or distribution by temporary emergency shelters from liability for damages or criminal penalties resulting from the food's nature, age, condition, or packaging. The immunity does not apply if the donor knew, or had reasonable grounds to know, that the food was (1) embargoed or ordered destroyed by the DPH, a local health director, or an authorized agent of either; (2) adulterated; or (3) not fit for human consumption (CGS § [52-557l\(b\)](#)).

## **OTHER IMMUNITY LAWS**

Following is a listing of other laws that grant immunity to certain volunteers under certain circumstances:

1. CGS § [7-312](#) makes property owners who maintain open water holes, which have been approved for fire fighting immune from liability in connection with the water hole.
2. CGS §§ [52-557f-h](#) grants immunity to landowners who let the public use their land without charge for recreational purposes. This immunity does not apply to the malicious or willful failure to guard or warn against a dangerous condition, use, or activity.
3. CGS § [52-557j](#) confers immunity on landowners for injuries sustained by people using their land without charge while operating snowmobiles, all-terrain vehicles, motorcycles, minibikes, or minicycles. The immunity does not apply to willful or malicious conduct.
4. CGS § [52-557k](#) grants immunity to landowners who allow the public to harvest firewood, unless the injury is caused by the owner's failure to warn of a dangerous, hidden hazard actually known to the owner.

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