

## Connecticut's Good Samaritan Law

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### Issue

Provide a summary of Connecticut's Good Samaritan Law. This report updates OLR report [2013-R-0199](#).

### Summary

Connecticut, like most states, has Good Samaritan Laws with the overriding purpose of encouraging professionals and laypersons to help those in need of emergency medical assistance or first aid, 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. Volunteers may be held liable for claims arising from acts of gross or wanton and willful negligence or intentional misconduct (see sidebar). The organizations for which a person volunteers or works may also be held liable, with exceptions (e.g., railroad companies and nonprofit organizations).

The protection against liability applies in cases where a person:

1. provides emergency assistance;
2. administers first aid;

*“Ordinary negligence” is the failure to exercise the care that a prudent and reasonable person would (or would not) use under the same circumstances. (57A Am. Jur. 2d Negligence § 226).*

*“Gross negligence” generally signifies more than ordinary inadvertence or inattention, but less than a conscious indifference to consequences (Prosser on Torts, Gross Negligence).*

*“Willful or wanton negligence” 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 (2nd) of Torts, § 500).*

3. uses Epinephrine Cartridges (e.g., EpiPens);
4. prescribes or administers opioid antagonists (e.g., Narcan);
5. seeks care for a drug overdose; or
6. rescues a child or animal from a motor vehicle.

Connecticut law grants immunity from liability under other circumstances. For example: food donors are protected from law suits filed by someone injured by the donated food or its packaging (CGS § [52-557l](#)).

## **Providing Emergency Assistance**

### ***Medical Personnel***

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, and
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\(f\)](#)). The law does not require teachers or after-school personnel to render emergency first aid or administer medication by injection (CGS § [52-557b\(g\)](#)).

### ***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. This includes protection from civil liability for damages incurred as a result of the forcible entry (CGS § [52-557b\(g\)](#)).

## Administering 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 health director as certified by the agency or health director 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 \(c\)](#)).

As exceptions to the general rule that the law does not protect the organizations for which a person volunteers or works, 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\(d\)](#)).

## Using Epinephrine Cartridge Injectors

### *Trained Volunteers*

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\(h\)](#)).

### *Cartridge Injectors*

A “cartridge injector” is an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions (CGS § [52-557b\(e\)\(1\)](#)).

## ***Nonprofit Organizations' Volunteers and Employees***

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\(e\)\(2\)](#)).

Nonprofit corporations are immune from liability that is based on a claim that they negligently trained volunteers regarding epinephrine cartridge use (CGS § [52-557b\(e\)\(3\)](#)).

## ***Staff Members of Before- or After- School Programs, Day Camps, or Child Care Facilities***

In emergencies, people identified as staff members of before- or after- school programs, day camps, or child care facilities are immune from claims arising from their use of such devices on anyone in distress (CGS § [52-557b\(h\)](#)). It appears that the training described above is not required of such staff for the immunity to apply (CGS §§ [52-557b\(e\)\(2\)](#) and [\(h\)](#)).

## ***School Bus Drivers***

[PA 18-185](#) (§ 7), effective July 1, 2018, grants school bus drivers immunity from civil liability that may arise from administering a cartridge injector to a student with a medically diagnosed allergic condition requiring treatment on or near a school bus (CGS § [52-557b\(i\)](#)).

## **Prescribing or Administering Opioid Antagonists**

Connecticut law allows licensed health care practitioners authorized to prescribe an opioid antagonist to prescribe, dispense, or administer it to treat or prevent a drug overdose without being (1) civilly or criminally liable for the action or for its subsequent use or (2) deemed as violating their professional standard of care (CGS § [17a-714a\(b\)](#)).

The law also provides immunity from civil and criminal liability to all licensed health care professionals who administer an opioid antagonist in accordance with the law. Any such health care professional must not be deemed to have violated his or her professional standard of care (CGS § [17a-714a\(c\)](#)).

The law also allows anyone, if acting with reasonable care, to administer an opioid antagonist to someone he or she believes, in good faith, is experiencing an opioid-related drug overdose. It generally gives civil and criminal immunity to such a person regarding the administration of the opioid antagonist (CGS § [17a-714a\(d\)](#)).

## **Seeking Emergency Medical Care for a Drug Overdose**

The law provides immunity from civil and criminal liability to individuals who in good faith seek or receive emergency medical care for themselves or another person they reasonably believe is experiencing an overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance (CGS § [21a-279\(d\)](#)).

## **Rescuing a Child or an Animal from a Vehicle**

Under certain circumstances, the law provides an affirmative defense against civil damages or criminal penalties for entering another person's passenger motor vehicle, including forcibly, to remove a child. It covers the person's actions or omissions in removing the child as long as the person:

1. reasonably believes, at the time of entry, that entering the vehicle is necessary to remove the child from imminent danger of serious bodily injury;
2. uses no more force than is reasonably necessary, under the circumstances the person knows at the time, to enter the vehicle to remove the child;
3. reports the entry and related circumstances to a law enforcement or public safety agency within a reasonable time after entering the vehicle; and
4. takes reasonable steps to ensure the child's safety, health, and well-being after removing the child from the vehicle (CGS § [52-557u](#)).

[PA 18-164](#), effective October 1, 2018, extends these same protections to individuals who take such actions to rescue an animal.

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