

Immunity for Community Emergency Response Team (CERT) Members

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December 20, 2019 | 2019-R-0333

Issue

Summarize the kinds of immunity that Community Emergency Response Team (CERT) members have from liability when they are volunteering versus when they are acting in another capacity.

Summary

CERT members are provided a general immunity from liability while doing their official duties as volunteers and state Good Samaritan Laws may extend immunity for certain other specified actions or if they are in certain professions.

According to a 2006 Attorney General [opinion](#), CERT volunteers are generally immune from liability for actions taken in the course of their civil preparedness duties, except for willful misconduct (citing [CGS § 28-13](#)) (Attorney General Opinion 06-016). This law states that emergency personnel are not liable for the death of or injury to anyone or for damage to property due to activity related to preventing or mitigating any major disaster or emergency. The opinion concluded that CERT volunteers have these protections during their training for, and participation in, civil preparedness activities.

Connecticut's Good Samaritan Laws generally provide protection from liability for ordinary negligence to (1) certain professionals when providing aid associated with the profession (e.g., doctor providing medical assistance) and (2) those that provide certain specific types of aid ([CGS § 52-557b](#)). Among other things, the state generally grants negligence immunity in cases where certain individuals administer medical assistance, uses epinephrine cartridge injections (EpiPens),

prescribe or administer opioid antagonists, seek emergency medical care for drug overdoses, and rescue a child or animal from a vehicle.

[CERT](#) is a program that educates volunteers about disaster preparedness for the hazards that may impact their area. It also trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. CERT offers a nationwide approach to volunteer training and organization that professional responders may rely on during disasters, thus allowing them to focus on complex tasks.

Good Samaritan Laws

Connecticut's Good Samaritan Law generally provides protection from liability for negligence for (1) those that provide certain specific types of aid and (2) certain professions when providing aid associated with the profession (e.g., doctor providing medical assistance) ([CGS § 52-557b](#)). The law does not shield volunteers from liability for claims arising from acts of more than ordinary negligence (i.e., gross or wanton and willful negligence) or intentional misconduct.

The law may provide different immunities depending on the CERT member's profession when not volunteering. (See OLR Report [2018-R-0227](#) for more details on specific professions.)

Medical Assistance

The law provides negligence immunity for certain individuals who voluntarily, gratuitously, and other than in the ordinary course of employment or practice, provide emergency medical assistance ([CGS § 52-557b\(a\)](#)). This immunity is from civil liability for personal injuries arising from the medical care. The immunity applies to those who operate cardiopulmonary resuscitators, automatic external defibrillator users, and those trained in cardiopulmonary resuscitation (CPR) in accordance with Red Cross or Heart Association standards.

Using Epinephrine Cartridge Injectors

The law provides negligence immunity for those who are trained to provide epinephrine cartridge injections for those who are in need. This immunity is for civil liability arising from any personal injuries from the injection. (Epinephrine is used to treat severe allergic reactions, such as insect stings.)

In order to get the liability protection, volunteers using these devices in emergencies must have:

1. completed a first aid course offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health, or any health director as certified by the agency or health director or
2. been trained to use cartridge injectors by a licensed physician, physician assistant, or advanced practice or registered nurse ([CGS § 52-557b\(h\)](#)).

Administering Opioid Antagonists

The law generally provides civil and criminal immunity for anyone who administers an opioid antagonist to someone he or she believes is experiencing an opioid-related drug overdose ([CGS § 17a-714a\(d\)](#)). Administering the drugs must be done with reasonable care and in good faith. (Opioid antagonists are used to counter opioid overdoses.)

Seeking Emergency Medical Care for a Drug Overdose

The law provides immunity from 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, removing a child or animal ([CGS § 52-557u](#)). Among other things, the person must (1) believe the child or animal is in imminent danger of serious bodily injury and (2) use only the force that is reasonably necessary to remove the child or animal from the vehicle.

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