

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

376U0690

## SENATE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1233** - 02/27/2013

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Ecklund, Cammack, Campbell, Craig, Haggar (Jenna), Hansen, Heinemann (Leslie), Heinert, Hickey, Hunhoff (Bernie), Kaiser, Killer, Kirschman, Kopp, Latterell, Nelson, Olson (Betty), Qualm, Rasmussen, Rozum, Schaefer, Stalzer, Steele, and Verchio and Senators Hunhoff (Jean), Begalka, Bradford, Ewing, Jensen, Krebs, Olson (Russell), Omdahl, and Rampelberg

1 FOR AN ACT ENTITLED, An Act to grant limited immunity for the provision of voluntary  
2 medical services under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 47-23-29 be amended to read as follows:

5 47-23-29. Any volunteer, including any volunteer who is a licensed health care professional  
6 under Title 36, providing services on behalf of a nonprofit organization, a nonprofit corporation,  
7 a free clinic, any hospital organized pursuant to chapter 34-8, 34-9, or 34-10, or a governmental  
8 entity ~~shall be~~ are immune from civil liability in any action brought in any court in this state on  
9 the basis of any act or omission resulting in damage or injury if:

10 (1) The individual was acting in good faith and within the scope of such individual's  
11 official functions and duties for the nonprofit organization, the nonprofit corporation,  
12 the free clinic, a hospital organized pursuant to chapter 34-8, 34-9, or 34-10, or a



1 governmental entity; and

2 (2) The damage or injury was not caused by gross negligence or willful and wanton

3 misconduct by such individual.