

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0206

SENATE ENGROSSED NO. **SB 37** - 1/28/2009

Introduced by: The Committee on Judiciary at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to establish certain immunity for volunteers of the statewide
2 emergency registry of volunteers for South Dakota program.

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

4 Section 1. Terms used in this Act mean:

- 5 (1) "Statewide Emergency Registry of Volunteers for South Dakota (SERV SD)," the
6 state's version of the Emergency System for Advance Registration of Health
7 Professions Volunteers authorized by Public Law 107-188, known as the Public
8 Health Security and Bioterrorism Preparedness and Response Act of 2002;
- 9 (2) "Volunteer," an individual who, without the expectation of receiving compensation
10 for services, responds to and acts in accordance with a call to service under the SERV
11 SD program in response to a declared public health emergency as provided for in
12 §§ 34-22-41 to 34-22-44, inclusive.

13 Section 2. Any volunteer, as defined in section 1 of this Act, is immune from civil liability
14 in any action brought in any court in this state on the basis of any act or omission resulting in
15 damage or injury if:



- 1 (1) The volunteer was acting in good faith and within the scope of the volunteer's official
2 functions; and
- 3 (2) The damage or injury was not caused by gross negligence or willful and wanton
4 misconduct by the volunteer.