

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0206

HOUSE JUDICIARY ENGROSSED NO. **SB 37** - 3/4/2009

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. Except to the extent that the volunteer is covered by a policy of insurance, any
14 volunteer, as defined in section 1 of this Act, is immune from civil liability in any action
15 brought in any court in this state on the basis of any act or omission resulting in damage or



1 injury if:

2 (1) The volunteer was acting in good faith and within the scope of the volunteer's official
3 functions; and

4 (2) The damage or injury was not caused by gross negligence or willful and wanton
5 misconduct by the volunteer.