

AN ACT

ENTITLED, An Act to establish certain immunity for volunteers of the statewide emergency registry of volunteers for South Dakota program.

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

Section 1. Terms used in this Act mean:

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

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

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

An Act to establish certain immunity for volunteers of the statewide emergency registry of volunteers for South Dakota program.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 37

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 37  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
=====

STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State