

Delaware Good Samaritan Act

Note: One section of the DE Code provides for (a) liability exemption and (b) and ALS standards committee. The section is broken into subparts (a) and (b) for each item. Since subpart (b) is lengthy and does not deal with immunity, only subpart (a) is quoted.

16 Del.C. §6801 [subpart (a) only]

Persons rendering emergency care exempt from liability; Advanced Life Support Standards Committee.

- a. Notwithstanding any inconsistent provisions of any public or private and special law, any person who voluntarily, without the expectation of monetary or other compensation from the person aided or treated, renders first aid, emergency treatment or rescue assistance to a person who is unconscious, ill, injured or in need of rescue assistance, or any person in obvious physical distress or discomfort shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid, emergency treatment or rescue assistance, unless it is established that such injuries or such death were caused willfully, wantonly or recklessly or by gross negligence on the part of such person. This section shall apply to members or employees of nonprofit volunteer or governmental ambulance, rescue or emergency units, whether or not a user or service fee may be charged by the nonprofit unit or the governmental entity and whether or not the members or employees receive salaries or other compensation from the nonprofit unit or the governmental entity. This section shall not be construed to require a person who is ill or injured to be administered first aid or emergency treatment if such person objects thereto on religious grounds. This section shall not apply if such first aid or emergency treatment or assistance is rendered on the premises of a hospital or clinic.

(16 Del. C. 1953, §6801; 58 Del. Laws, c. 105; 59 Del. Laws, c. 361, §1; 62 Del. Laws, c. 93, §1; 63 Del. Laws, c. 235, §§1, 2; 66 Del. Laws, c. 51, §1; 66 Del. Laws, c. 235, §§1, 2; 70 Del. Laws, c. 186, §1.)