

## Summary of State Laws for Emergency Management

| State       | Sovereign Immunity | Immunity in Emergency                    | Local Plan Required | Other |
|-------------|--------------------|--|---------------------|-------|
| ALABAMA     | PW (1) (State R)   | 31-9-16*                                 | Yes                 | 4     |
| ALASKA      | A (2)              | 26.20.140*                               | Yes                 |       |
| ARIZONA     | A (2)              | 26-314*                                  |                     |       |
| ARKANSAS    | R                  | 12-75-128                                | Yes                 | 4     |
| CALIFORNIA  | PW (2)             | 8657*                                    | Yes                 |       |
| COLORADO    | PW (2)             | 24-33.5-711 (Governmental Immunity)      | Yes                 | 5     |
| CONNECTICUT | PW (1)             | Sect. 28-13* (Governmental Immunity)     |                     | 4     |
| DELAWARE    | PW (2)             | Sect. 3116*                              |                     | 3     |
| FLORIDA     | PW (2)             | (Broad Immunity* recognized in case law) |                     | 3     |
| GEORGIA     | PW (1)             | 38-3-35* (Governmental Immunity)         | Yes                 | 4     |
| HAWAII      | PW                 | 128-18*                                  |                     | 4     |
| IDAHO       | PW (2)             | 46-1017 (Limited)                        | Yes                 |       |
| ILLINOIS    | PW (2)             | 1117*                                    | Yes                 | 3,4   |
| INDIANA     | PW (2)             | 10-4-1-8*                                | Yes                 |       |
| IOWA        | PW (2)             |  | Yes                 | 3,4   |
| KANSAS      | PW (2)             | 48-915 (Limited)                         | Yes                 |       |
| KENTUCKY    | PW (1)             | 39.433* (Governmental Immunity)          | Yes                 | 4     |
| LOUISIANA   | A                  | 29.613*                                  | Yes                 |       |

  

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|----------------|--------------------|-------------------------------------|---------------------|-------|
| MAINE          | PW (2)             | 37-B 822*                           | Yes                 | 3     |
| MARYLAND       | PW (1)             | 12-105 (Governmental Immunity)      |                     |       |
| MASSACHUSETTS  | PQ (2)             | 31 Sect. 12A (Limited)              |                     |       |
| MICHIGAN       | PW (2)             | 30.411* (Governmental Immunity)     |                     |       |
| MINNESOTA      | PW (2)             | 466.07 (Local)<br>3.736 (State)     |                     | 3     |
| MISSISSIPPI    | PW (2)             | 33-15-21*                           |                     | 3     |
| MISSOURI       | PW (1)             | (Governmental Immunity)             |                     | 3     |
| MONTANA        | PW (2)             | 10-3-111 (Limited)                  | Yes                 | 3     |
| NEBRASKA       | PW (2)             | 81-829.55*                          | Yes                 | 3,4   |
| NEVADA         | A (2)              | 414.110*                            |                     | 3     |
| NEW HAMPSHIRE  | PW (1)             | 107:12*                             |                     | 3     |
| NEW JERSEY     | PW (2)             |                                     |                     | 3     |
| NEW MEXICO     | PW (2)             |                                     |                     |       |
| NEW YORK       | PW (2)             | 9193*                               |                     |       |
| NORTH CAROLINA | PW (1)             | 166 A-14* (Governmental Immunity)   | Yes                 | 3     |
| NORTH DAKOTA   | PW (1)             | 37-17.1-16*                         | Yes                 | 3     |
| OHIO           | PW (1)             | 5915.10* (Governmental Immunity)    |                     | 4     |
| OKLAHOMA       | PW (2)             | 63 S.683.14*                        |                     |       |
| OREGON         | PW (2)             | 401.170 (Limited)                   |                     |       |
| PENNSYLVANIA   | PW (2)             | 7303(c)*                            | Yes                 |       |
| RHODE ISLAND   | A (2)              | 30-15-15* (Governmental Immunity)   |                     |       |
| SOUTH CAROLINA | PW (2)             | 15-78-80 (19)*                      |                     |       |
| SOUTH DAKOTA   | PW (1)             | 35-15-38* (Governmental Immunity)   | Yes                 | 3     |
| TENNESSEE      | PW (2)             | 58-2-129*                           |                     |       |
| TEXAS          | PW (2)             | 418.022* (Governmental Immunity)    | Yes                 |       |
| UTAH           | PW (2)             | 63-30-16* (Governmental Immunity)   |                     |       |
| VERMONT        | PW (1)             | 20 Sect. 7* (Governmental Immunity) |                     | 3     |
| VIRGINIA       | PW (1)             | 44-146.23* (Governmental Immunity)  | Yes                 |       |
| WASHINGTON     | A (2)              | 38.52.180                           | Yes                 | 5     |
| WEST VIRGINIA  | A (2)              | 15.5-11(a)                          |                     | 4     |
| WISCONSIN      | A (1)              | 166.08(e)                           | Yes                 |       |
| WYOMING        | A (2)              | 19-5-113*                           | Yes                 | 3     |

KEY: \*Identifies those states which have broad immunity provision within their emergency management statute. A Abolished Sovereign Immunity; PW Partial Waiver of Immunity; R Retained Immunity

1. Selected Statutes
2. Comprehensive Tort Liability Statute
3. Purchase of insurance constitutes waiver of immunity
4. State Claims Board, Commission or Appeals Court
5. State assumes financial liability for claims in an emergency situation

Note: All states but New Mexico have “Discretionary Immunity”

From Federal Emergency Management Agency: *Managing volunteer resources*, student manual, Washington, DC, 1992, FEMA

## Samaritan Laws that Apply to Veterinarians

| State and Codification                   | Requirement of No Fee | Requirement of Good Faith | Liability for Negligence | Liability for Gross Negligence |
|--|-----------------------|---------------------------|--------------------------|--------------------------------|
| Ala Code 34-29-90                        | Yes                   | Yes                       | Unlikely                 | Probably                       |
| Alaska Stat 09.65.097                    | No                    | No                        | No                       | Yes                            |
| Calif Bus & Prof Code 4826.1             | No                    | No                        | No                       | Yes                            |
| Colo Rev Stat 12-64-118                  | Yes                   | Yes                       | No                       | No                             |
| Fla Stat Ann 768.13                      | Yes                   | Yes                       | Yes, if not prudent      | Probably                       |
| Ill Comp Stat Ann ch 225. 115/18         | No                    | No                        | No                       | Yes                            |
| Ind Stat Ann 15-5-1.1-31                 | No                    | No                        | No                       | Yes                            |
| Kan Stat Ann 47-841                      | Yes                   | Yes                       | Unlikely                 | Probably                       |
| La Rev Stat title 37, 1731(C)            | Yes                   | Yes                       | Unlikely                 | Probably                       |
| Md Agnc Code Ann 2-314                   | Yes                   | No                        | No                       | Yes                            |
| Mass Gen Laws ch 112, 58A                | Yes                   | Yes                       | Unlikely                 | Probably                       |
| Minn Stat Ann 346.37, subd 2             | No                    | Comparable                | Humane                   | Humane                         |
| NJ Rev Stat 45:16-9.11                   | No                    | Yes                       | Unlikely                 | Probably                       |
| Okla Stat Ann title 59, 698.17           | No                    | Yes                       | Unlikely                 | Probably                       |
| Pa Cons Stat title 42, 8331.1            | No                    | Yes                       | No                       | Yes                            |
| RI Gen Laws 4-15-15                      | No                    | No                        | No                       | No                             |
| Tex Rev Civ Stat Ann title 132, art 8891 | No                    | No                        | No                       | Yes                            |
| Va Code Ann 54.1-3811                    | Yes                   | Yes                       | Unlikely                 | Yes                            |

The statutes themselves and state common law should be examined to determine nuances in scope and operation.

From Centner TJ: Legal rights of veterinarians under veterinary Good Samaritan statutes and equine liability statutes, *J Am Vet Med Assoc* 210:190-193, 1997.

## State Equine Liability Laws with Provisions for Veterinarians

| State and Codification                       | Providing or Assisting in Medical Treatment | Participants Engage in Equine Activities | Veterinarians May Lose Rights to Sue for Gross Negligence |
|--|---|--|---|
| Ala Code 6-5-337                             | Providing or assisting                      | Yes                                      | Yes   |
| Colo Rev Stat 13-21-119                      | Assisting                                   | Yes                                      | Yes   |
| Del Code Ann title 10, 8140                  | Assisting                                   | Yes                                      | Yes   |
| Fla Stat Ann 773.01                          | Assisting                                   | Yes                                      | No-prudence exception                                     |
| Ga Code Ann 4-12-1 to 4-12-4                 | Providing or assisting                      | Yes                                      | Yes   |
| Hawaii Rev Stat Ann 6638-1 & 6638-2          | Assisting                                   | Yes                                      | No-alters a presumption                                   |
| Ill Comp Stat Ann ch 745, 47:1 to 47:25      | Assisting                                   | Yes                                      | No-a responsibility statute                               |
| Kan Stat Ann 60-4001 to 60-4004              | Providing or assisting                      | Yes                                      | No-assumption of risk                                     |
| La Rev Stat title 9, 2795.1                  | Providing or assisting                      | Yes                                      | Yes   |
| Mass Gen Laws ch 128, 2D                     | Assisting                                   | Yes                                      | Yes   |
| Mich Comp Laws Ann 691.1661 to 691.1667      | Providing or assisting                      | Yes                                      | No-negligence statute                                     |
| Miss Code Ann 95-11-1 to 95-11-7             | Providing or assisting                      | Yes                                      | Yes   |
| Mo Ann Stat 537.325                          | Assisting                                   | Yes                                      | No-prudence exception                                     |
| Mont Code Ann 27-1-725 to 27-1-727           | Assisting                                   | Only if direct                           | Probably not  |
| Ore Rev Stat 30.687 to 30.697                | Not present                                 | Only if direct                           | No  |
| RI Gen Laws 4-21-1 to 4-21-4                 | Assisting                                   | Yes                                      | No-due care exception                                     |
| SC Code Ann 47-9-710 to 47-9-730             | Providing or assisting                      | Yes                                      | Yes   |
| SD Codified Laws Ann 44-11-1 to 42-11-5      | Assisting                                   | Yes                                      | Yes   |
| Tenn Code Ann 44-20-101 to 44-20-105         | Assisting                                   | Yes                                      | Yes   |
| Tex Civ Prac & Rem Code Ann 87.001 to 87.105 | Assisting                                   | Yes                                      | Yes   |
| Utah Code Ann 78-27b-102                     | Not present                                 | Only if direct                           | No  |

The statutes themselves and state common law should be examined to determine nuances in scope and operation. Other states with equine liability statutes include: Arizona, Arkansas, Connecticut, Idaho, Indiana, Maine, Minnesota, New Mexico, North Dakota, Virginia, Washington, West Virginia, Wyoming.

From Centner TJ: Legal rights of veterinarians under veterinary Good Samaritan statutes and equine liability statutes, *J Am Vet Med Assoc* 210:190-193, 1997.