

CHARITABLE IMMUNITY

Compendium



THE HARMONIE GROUP®

CHARITABLE IMMUNITY

Summarize the state’s position on Charitable Immunity	Provide a summary of pertinent statutes on Charitable Immunity and volunteers	Provide applicable case law
ALABAMA		
Alabama no longer recognizes the common law concept of charitable immunity. Rather, Alabama law on immunity for volunteers of non-profit organizations is now codified in The Volunteer Service Act, Ala. Code § 6-5-336. Alabama law also grants immunity to volunteer firefighters and individuals on volunteer rescue squads, unless injuries or damages result from wanton or willful conduct. See Ala. Code § 6-5-335. In addition, Alabama provides immunity for health care providers in free medical clinics, unless injuries result from wanton or willful conduct. See Ala. Code § 6-5-661, <i>et seq.</i>	<i>Ala. Code § 6-5-336, Definition of volunteer</i> Volunteer is defined as a person performing services for a non-profit organization, non-profit corporation, hospital, or government entity without compensation, other than reimbursement for actual expenses incurred. Volunteer includes person serving as a director, officer, trustee or direct service volunteer. Volunteers are immune from civil liability for acts or omissions if volunteer acted in good faith and within scope of official functions and duties, unless the injuries result from wanton or willful misconduct. <i>Ala. Code § 6-5-335, Volunteer firefighters</i> Members of a volunteer, non-profit fire department or rescue squad, who in good faith and without compensation enter property to protect it from fire, shall not be liable for damages to property or injuries to volunteers or owners of property, unless the injury or damage results from wanton or willful misconduct. <i>Ala. Code § 6-5-633, Volunteer medical professional</i> A medical professional who, in good faith, offers services as part of an established, free clinic, shall not be liable for acts or omissions causing injuries or damages, unless the injury or damage results from wanton or willful misconduct.	Alabama law on charitable immunity began to change in the early 1900s with the Alabama Supreme Court rejecting the traditional view of charitable immunity. The notable cases abandoning charitable immunity include Alabama <i>Baptist Hospital Board v. Carter</i> , 145 So. 443 (Ala. 1932), <i>Supreme Lodge of World, Loyal Order of Moose v. Kenny</i> , 73 So. 519 (Ala. 1916), and <i>Tucker v. Mobile Infirmary Ass’n</i> , 68 So. 4 (Ala. 1915). The statute referenced above incorporate the remaining immunities available to volunteers of charitable organizations.
ALASKA		
Alaska law does not recognize the charitable immunity doctrine other than provided by specific statute noted in the next column.	There are statutes that allow for immunity in certain situations. For example AS 09.65.083. (a) An action for tort or breach of a contractual duty based on the act or omission of an employee or member of a nonprofit or university fire department in the execution of a function for which the department is established may not be maintained against an employee or member of the nonprofit or university fire department. (b) An action for tort or breach of a contractual duty based on the act or omission of an employee or member of a nonprofit or university fire department in the execution of a function for which the department is established may not be maintained against the nonprofit or university fire department unless the action (1) alleges intentional misconduct or gross negligence; or (2) is based on the act or omission of an employee or member of the nonprofit or university fire department in the execution of a duty under contract with a private entity. (c) The immunity afforded by this section is in addition to any immunity under other law. (d) This section does not limit the authority of a municipality or village to maintain an action against a contractor, vendor, or supplier providing services or goods to the municipality or village. (e) In this section, (1) "nonprofit or university fire department" means a fire department registered with the state fire marshal that is (A) operated and maintained by a university; or (B) a nonprofit that provides services under contract or agreement with a municipality or village; (2) "village" means an unincorporated community where at least 25 people reside as a social unit.	For detail on cases affecting the notes in this entry, please feel free to reach out to the local Harmonie member firm.
ARIZONA		
In Arizona, the doctrine of charitable immunity has been abolished. Arizona law on immunity for volunteers for non-profit organizations is now codified under A.R.S. § 12-982. Arizona law also grants	<i>A.R.S. § 12-982. Qualified immunity; insurance coverage</i>	Arizona abolished charitable immunity in the mid-1950s with the Arizona Supreme Court rejecting the doctrine, holding that “if public policy ever required

immunity to individuals who make good faith donations of used or excess equipment to a fire department, fire district or volunteer fire department, if at the time, they believe the equipment is serviceable, unless the injuries or damages result from intentional misconduct, or gross or ordinary negligence. A.R.S. § 12-715. In addition, Arizona also provides immunity for individuals who are involved in a fraternal benefit society, who serve without compensation, as long as they were acting within the scope of their duty, provided that the injuries or damages were not caused by wanton and willful misconduct. A.R.S. § 20-867. Further, Arizona also grants immunity to volunteers who are emergency volunteers or who volunteer with the state’s substance abuse treatment and rehabilitation programs. A.R.S. § 26-314; A.R.S. § 32-1452.	A volunteer is immune from civil liability in any action resulting in damages and/or injury, whether caused by an act or omission, if the volunteer acted in good faith and within the scope of their official volunteer duties for a non-profit organization, non-profit corporation, governmental entity or hospital. Additionally, when a volunteer is operating a motor vehicle for the non-profit organization, non-profit corporation, governmental entity or hospital, the automobile insurance policy for the vehicle, the insured, or any other person using the vehicle with the express or implied permission of the insured, shall extend to provide coverage for the non-profit organization, non-profit corporation, governmental entity or hospital. To establish vicarious liability of the organization, all that must be established is that the volunteer was acting, or not acting, within the scope of the volunteer’s official duties and functions. However, there is no immunity under this statute when the damages and/or injury is caused why wanton, willful or grossly negligent misconduct. (“‘Volunteer’ means a person who performs services for a nonprofit corporation or nonprofit organization, hospital or governmental entity without compensation other than reimbursement of actual expenses incurred. The terms includes a volunteer who serves as a director, officer, trustee or direct service volunteer.” A.R.S. § 12-981 (5)) <i>A.R.S. § 12-715. Donation of fire or emergency medical services equipment; exemption from civil liability; definition</i> A person or entity that makes a good faith donation or used or excess fire rescue, fire control, or emergency medical equipment to a fire district, fire department or volunteer fire department, is not liable for damages in an action for injury or death due to the condition of the equipment, so long as the donor, at the time of donation, believes the equipment is serviceable. This section also applies to equipment that is acquired through the federal excess personal property program established by the federal property and administrative services act of 1949. Further, if a fire department, fire district or volunteer fire department that in good faith receives a donation of serviceable fire control, emergency medical services or fire rescue equipment, and at the time of the donation reasonably believes that the equipment is serviceable, will not be liable in a civil action for damages caused due to the condition of the equipment. However, there is no immunity under this statute when the damages and/or injury is caused why intentional misconduct or gross or ordinary negligence. (“For the purposes of this section, “fire control, fire rescue or emergency medical services equipment” means any vehicle, firefighting tool, protective clothing, breathing apparatus and other supplies and tools that are used in firefighting, fire rescue or emergency medical services.”) <i>A.R.S. § 20-867. Exemption from liability (Fraternal Benefit Society)</i> A volunteer, member, employee, director or officer of a fraternal benefit society who serves without compensation is not personally liable for damages resulting from their omissions or actions, so long as at the time of the act or omission they were within their scope of duty. However, there is no immunity under this statute when the damages and/or injury is caused why wanton or willful misconduct.	that charitable institutions should be immune from liability for the torts of their servants, that public policy no longer exists.” <i>Ray v. Tucson Medical Center</i>, 72 Ariz. 22, 35 (1951) (“expressly overrul[ing] the progeny of cases allowing charitable immunity, and holding that “charitable institutions are liable for the torts of their servants from which injury proximately results to a third person”). The statutes referenced above incorporate the remaining immunities available to volunteers of charitable organizations.
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	(A “Fraternal benefit society’ means a society, order or supreme lodge without capital stock, including incorporated or unincorporated society that is exempt under § 20-893, that is conducted solely for the benefit of its members and their beneficiaries, is not for profit, operates a lodge system with a ritualistic form of work, has a representative form of government and provides benefits according to this article.” A.R.S. § 20-861 (5)) <i>A.R.S. § 26-314. Immunity of state, political subdivisions and officers, agents, employees and emergency workers; limitation; rules; definitions</i> Volunteers who are registered or enrolled with the Division of Emergency Management during a local emergency, war emergency, state of emergency, or who are performing authorized duties, are entitled to the same immunities as employees of the state who are performing similar work. To be entitled to immunity under this statute, the volunteer must have been complying with their applicable orders and/or rules. <i>A.R.S. § 32-1452. Substance abuse treatment and rehabilitation; confidential program; private contract; funding; license restrictions; immunity</i> A volunteer, evaluator, teacher or supervisor who assists in a substance abuse treatment and rehabilitation program run by the State board, who acts in good faith and within the scope of that program, is not subject to civil liability, including malpractice liability, for the actions of a doctor or physician’s assistant who is attending the program pursuant to board action.	
ARKANSAS		
Arkansas has recognized the doctrine of charitable immunity since 1856. The rationale behind the doctrine is that agencies, entities and trusts created and maintained exclusively for charity should not have their assets diminished to satisfy a judgment for one who has been injured by the negligence of an employee of the charity. Funds, as well as real property, held by and dedicated to public charity are considered assets that may not be levied upon to satisfy such a judgment. Because the doctrine weighs strongly in favor of charitable defendants, it results in limited alternatives for injured plaintiffs. As an affirmative defense, charitable immunity must be timely and properly asserted by the defendant. Merely asserting that the defendant is a non-profit corporation is not equivalent to specifically raising the defense of charitable immunity.	There are no Arkansas statutes that provide immunity for nonprofit organizations themselves, but a nonprofit may be entitled to protection from tort liability under the common law doctrine. Ark. Code Ann. § 16-120-501 <i>et seq.</i> sets forth the parameters for “Charitable Immunity for a Church or Other Place of Worship.” The statute lays out several exceptions to charitable immunity, including if the church or other place of worship is covered by a policy of insurance, in which case liability for ordinary negligence is limited to the amount of insurance coverage provided by the policy of insurance; or If the church or other place of worship or its agent acts in bad faith or acts grossly negligent, recklessly, or intentionally. Ark. Code Ann. § 23-79-210 permits a direct cause of action against a liability insurer when the insured, such as a charitably immune entity, is not subject to tort suit. If a plaintiff sues under the direct action statute, he is limited to recovering the amount that would otherwise be paid under the terms of the insurance policy. This statute makes it clear that simply because an organization may be entitled to charitable immunity (and is therefore immune from tort liability), such an organization is not required to carry liability insurance.	In 1995 the Arkansas Supreme Court adopted an eight factor test to aid in determining whether charitable immunity applies to a given entity. <i>Masterson v. Stambuck</i>, 321 Ark. 391, 902 S.W.2d 803 (1995). These factors are illustrative, not exhaustive, and no single factor is dispositive of charitable status. These factors are: (1) whether the organization's charter limits it to charitable or eleemosynary purposes; (2) whether the organization's charter contains a “not-for-profit” limitation; (3) whether the organization's goal is to break even financially; (4) whether the organization earned a profit; (5) whether any profit or surplus must be used for charitable or eleemosynary purposes; (6) whether the organization depends on contributions and donations for its existence; (7) whether the organization provides its services free of charge to those unable to pay; and (8) whether the directors and officers receive compensation. The court is to evaluate all eight factors and the totality of the evidence. <i>Scamardo v. Sparks Regional Medical Center</i>, 375 Ark. 300, 289 S.W.3d 903 (2008) (hospital satisfied six of the eight factors; even though only a

		small percentage of budget came from donations, and even though officers were compensated, hospital was determined to be immune).
CALIFORNIA		
California has largely abolished the doctrine of Charitable Immunity from tort liability. The California Constitution provides that “no citizen, or class of citizen, shall be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.” Cal. Const., art I, sec. 21. Additionally, existing law provides protection for all Californians from another person's negligence. See Civ. Code Sec. 1714. California’s Supreme Court has held that the doctrine of Charitable Immunity cannot apply to shield non-profits from liability for torts committed by employees under the justification of a greater social need to encourage charity. See <i>Silva v. Providence Hospital of Oakland</i>, 14 Cal. 2d 762, 775 (1939); See also <i>Malloy v Fong</i>, 37 Cal 2d 356, 360, 232 P2d 241, 243 (1951). California courts interpret the “Volunteer Protection Act of 1997”, 42 U.S.C. § 14501, <i>et seq</i> to only loosely deter States from imposing tort liability constraints on charitable and volunteer programs to the extent that such liability would “lead to the demise” of such programs. See <i>City of Santa Barbara v Superior Ct.</i>, 41 Cal 4th 747, 774, 62 Cal Rptr 3d 527, 549, 161 P3d 1095, 1113 (2007) Under the VPA, protection from civil liability does not apply to volunteers acting outside the scope of their responsibility, volunteers acting without a required license, certification, or authorization, or harm caused by a motor vehicle. See <i>id</i>.	California law declares legislative intent to create an environment in which philanthropy and voluntarism in the health care field and the vast benefits arising from it for the citizens of California can be encouraged. See Health & Saf. Code Sec. 101983. California also provides immunity from tort liability to a director or executive officer of a nonprofit public benefit corporation for damages—other than those resulting from reckless or wanton misconduct or gross or intentional negligence—if the act or omission was done in good faith and within the scope of duty. If the damages are not covered by a liability insurance policy, the volunteer director or executive officer is not liable if it can be established that all reasonable efforts were made in good faith to obtain available liability insurance. See Corp. Code Sec. 5239. Similar immunities are provided to unpaid directors and officers of mutual benefit and nonprofit religious corporations. See Corp. Code Sec. 5047.5. California subscribes to the “Fireman’s Rule,” where emergency responders are shielded from liability for torts committed in the good-faith commission of their duties. See Cal Health & Saf Code § 1799.106	The most recent case explaining California’s approach to good Samaritan immunity can be found in the Ninth Circuit. See <i>Maxwell v County of San Diego</i>, 714 F App’x 641, 644 (9th Cir 2017) (Essentially explaining California’s application of the “Fireman’s Rule”). However, <i>Silva</i> and <i>Malloy</i> remain California’s seminal Charitable Immunity cases.
COLORADO		
Common law charitable immunity has been abolished and replaced with C.R.S. § 7-123-105, which provides as follows: Any other provision of law to the contrary notwithstanding, any civil action permitted under the law of this state may be brought against any nonprofit corporation, and the assets of any nonprofit corporation that would, but for articles 121 to 137 of this title, be immune from levy and execution on any judgment shall nonetheless be subject to levy and execution to the extent that such nonprofit corporation would be reimbursed by proceeds of liability insurance policies carried by it were judgment levied and executed against its assets.	Volunteers are protected from liability by C.R.S. § 13-21-115.5 to the same extent as they would be pursuant to the federal "Volunteer Protection Act of 1997", 42 U.S.C. § 14501, <i>et seq</i>. This protection extends to physicians, chiropractors, midwives, nurses, nursing home administrators, optometrists, physical and respiratory therapists, psychiatric technicians, psychologists, social workers, marriage and family counselors, licensed professional counselors, dentists and dental hygienists, pharmacists, and certified addiction counselors. This protection does not include immunity for injuries caused in an automobile accident, but any volunteer worker involved in an automobile accident cannot be held liable for damages greater than the available insurance limits covering the volunteer worker, plus any first-party UIM benefits available to the injured party. Organizations can still be sued for the acts of their volunteer workers, subject to the limitations of C.R.S. § 7-123-105, above. Voluntary land stewards are immune from liability provided that the volunteer was acting within the scope of his or her designated duties unless the damage or injury was caused by the volunteer's gross negligence or willful and wanton act or omission. C.R.S. § 33-11-113.	The most-recent and most-complete discussion of the evolution of charitable immunity in Colorado can be found in <i>Wycoff v. Grace Community Church</i>, 251 P.3d 1260 (Colo. App. 2010). The charitable immunity discussion is found at pp. 1269-70 of that decision.

In general, a nonprofit or charitable organization may be sued in any civil action, but their trust assets are protected from levy and execution, except to the extent that the organization would be reimbursed by insurance proceeds. <i>See Wycoff v. Grace Community Church</i>, 251 P.3d 1260 (Colo. App. 2010).	Pursuant to C.R.S. § 13-21-113.7, “[a] volunteer firefighter or volunteer who, in good faith, takes part in firefighting efforts or provides emergency care, rescue, assistance, or recovery services at the scene of an emergency, any incident management team, and any person who, in good faith, commands, directs, employs, sponsors, or represents any such volunteer firefighter, volunteer, or incident management team shall not be liable for civil damages as a result of an act or omission by such volunteer firefighter, volunteer, incident management team, or other person in connection with the emergency; except that this exemption shall not apply to grossly negligent, willful, wanton, or reckless acts or omissions.”	
CONNECTICUT		
Connecticut abolished the common-law defense of charitable immunity by statute in 1967. Connecticut does, however, extend immunity under its “Good Samaritan law” to medical personnel and others in connection with rendering emergency medical aid. In addition, other statutes provide liability protection for donors and collectors of food for the hungry, directors and officers of nonprofit organizations, volunteers and others.	<i>The Good Samaritan Law</i> The Good Samaritan law, Conn. Gen. Stats. § 52-577b, provides immunity from civil damages based in negligence in connection with rendering emergency medical services under certain circumstances. The immunity does not apply to gross, willful or wanton negligence. Under the statute, the following individuals are protected from liability in connection with providing free emergency medical assistance outside their normal employment or practice: • Licensed physicians and dentists; • Registered nurses and licensed practical nurses; • Medical technicians; • Individuals operating cardiopulmonary resuscitators; • Individuals trained in CPR or the use of an automatic external defibrillator in accordance with standards set by the American Red Cross or American Heart Association. In addition, the following individuals who render emergency first aid are not liable for negligence if they have completed a first aid course offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Health and Addiction Services or any director of health: • Paid or volunteer firefighters or police officers; • Teachers or other school personnel on school grounds or at a school function; • Members of a ski patrol; • Lifeguards; • Conservation officers; • Patrol officers or special police officers of the Department of Environmental Protection; • Emergency medical service personnel; • Railroad company employees. <i>Directors of Nonprofit Organizations</i> Conn. Gen. Stats. § 52-577m provides protection from civil liability to any person serving without compensation as a director of a nonprofit organization that is qualified as a tax-exempt organization under the Internal Revenue Code. This immunity protects against liability for damage or injury resulting from any act, error or omission made in the exercise of policy or decision-making responsibilities if the individual was acting in good faith and within the scope of his or her official functions and duties. The statute does not apply to recklessness, willful or wanton misconduct, or damages arising from the operation of a motor vehicle. <i>Federal Volunteer Protection Act</i>, 42 U.S.C. § 14501 <i>et seq.</i> The 1997 Federal Volunteer Protection Act grants immunity from civil liability for injuries caused by negligence to individuals while performing volunteer work for nonprofit organizations or governmental entities. This law permits	The Connecticut Supreme Court has held that a municipality is not an “owner” under the recreational use statute and cannot claim immunity under it. <u>Conway v. Wilton</u>, 238 Conn. 653 (1996).

	states to opt out, but Connecticut has not opted out so it applies in this state. The federal act preempts contrary state law. It does not preempt state laws that provide additional protections. The act also applies to nonprofit organizations organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare or health purposes. The act does not affect civil actions brought by the nonprofit organization or governmental entity against the volunteer or the organization's or entity's liability for harm caused by a volunteer. The act has other exceptions, as well, such as liability for hate crimes, sexual offenses for which the volunteer has been convicted, civil rights violations and harm that occurs while the volunteer is intoxicated. <i>Food Donors</i> Conn. Gen. Stats. § 52-557l protects food donors from lawsuits by someone injured by the donated food or its packaging. This protection is limited to those who donate food to nonprofit organizations. It does not protect those who knew or had reason to know that the food was contaminated or unfit for consumption. <i>Recreational Use Statute</i> Under Conn. Gen. Stats. § 52-557g, landowners who make all or part of their land available to the public without charge, rent or fee or other commercial service for recreational purposes owe no duty of care to keep the land safe for entry or use by others or to give any warning of a dangerous condition. This statutory immunity does not apply to willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity.	
DELAWARE		
Charitable immunity is not recognized in Delaware; however, Delaware has several Protection Statutes which protect against civil damages.	<u>10 Del. C. § 8133, Limitation from civil liability for certain nonprofit organization volunteers</u> A volunteer of a nonprofit organization is not subject to suit in any manner for any civil connection with the activity of a tax-exempt nonprofit or government agency. A "Volunteer" is any trustee, ex officio trustee, director, officer, agent or worker who is engaged in an activity without compensation. <i>Exceptions:</i> acts or omission constituting willful or wanton or grossly negligent conduct. A plaintiff may sue due to negligent act or omission relating to the operation of a motor vehicle. The amount recoverable from the volunteer may not exceed the insurance coverage held for the negligent operation of a motor vehicle under the circumstances. Proof of an act or omission by a volunteer that establishes a basis for the volunteer's immunity shall be sufficient to establish the liability of the organization under the doctrine of respondeat superior. <u>11 Del. C. § 9505, Immunity for victim-offender mediation volunteers</u> Volunteers of a victim-offender mediation program are immune from suit in a civil action based on the proceedings or acts performed in their capacity as volunteers. <i>Exceptions:</i> willful or wanton misconduct. <u>The Delaware Code Title 16 Chapter 68</u> The Delaware volunteer protection laws provide that a volunteer of a non-profit organization is not subject to suit in any manner for any civil damages. A separate Good Samaritan protects persons who voluntarily render emergency aid and provides that they are not liable for damages in a suit arising from their actions. A separate section of the code provides that volunteers who serve the victim-mediation program are immune from suit.	None included.

	<u>Subchapter I. Immunity for Rendering Emergency Care</u> § 6801. Persons rendering emergency care exempt from liability. (a) Any lay individual who in good faith, without the expectation of monetary or other compensation from the individual aided or treated, renders emergency care or rescue assistance at the scene of any emergency or who undertakes to transport any victim thereof to the nearest medical facility is not liable for any civil damages as a result of any act or omission in rendering the emergency care unless it is established that the injuries or death were caused willfully, wantonly, or recklessly or by gross negligence. (b) This section may not be construed to require a lay individual to administer first aid or emergency care to another if the other individual objects. § 6802. Exempting nurses from civil liability in rendering emergency care. Any registered nurse or any licensed practical nurse, licensed as such by any state, who in good faith renders emergency care at the scene of any emergency or who undertakes to transport any victim thereof to the nearest medical facility shall not be liable for any civil damages as a result of any act or omission in rendering the emergency care; provided, however, such act or omission is not grossly negligent or intentionally designed to harm the victim. <u>Subchapter III. Immunity for Food Donors</u> § 6820. Food donors exempt from liability. A person, including a farmer, processor, distributor, wholesaler or retailer of food, who, in good faith, donates an item of food for use or distribution by a nonprofit organization shall not be liable for civil damages or criminal penalties resulting from the nature, age, condition or packaging of the donated food. This section does not apply if the nonprofit organization sells or offers for sale the donated items of food. Nothing in this section is intended to limit any liability on the part of the donee nonprofit organizations accepting food items under this section. The Division of Public Health is authorized to inspect donated food items upon the request of the donee nonprofit organization. <u>Subchapter V. Nonprofit Sports Liability Limitation Act</u> § 6835. Definitions. As used in this subchapter: (1) The term “compensation” does not include: a. Any gift; or b. Any reimbursement for any reasonable expense, incurred for the benefit of a nonprofit sports program. (2) The term “member of the qualified staff” means any person who: a. Is a manager, coach, umpire or referee; b. An assistant to a manager, coach, umpire or referee; or c. Prepares any playing field for any practice session or any formal game. d. An officer or ride leader of a formally organized bicycle club. (3) The term “negligent act or omission” shall be defined in accordance with applicable State law, except that such meaning shall not include any reckless act or omission nor any grossly negligent act or omission.	
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	(4) The term “nonprofit sports program” means any program (whether or not it is registered with or recognized by the State or any political subdivision of the State): a. That is in a competitive sport formally recognized as a sport, on the date the cause of action to which this subchapter applies arises, by the Amateur Athletic Union or the National Collegiate Athletic Association, or is a formally organized noncompetitive recreational bicycle club whether recognized by the Amateur Athletic Union or the National Collegiate Athletic Association or not; and b. That is organized for recreational purposes and whose activities are substantially for such purposes; and c. No part of whose net earnings inures to the benefit of any private person. § 6836. Limitation on liability of nonprofit sports programs. (a) <i>Uncompensated qualified staff.</i> — Any person who renders services without compensation as a member of the qualified staff of a nonprofit sports program shall not be liable under the laws of this State for civil damages resulting from any negligent act or omission of such qualified member occurring in the performance of any duty of such qualified member to the extent that said damages exceed either existing liability insurance coverage applicable to the negligent act or omission or the minimum liability insurance coverage required by law if no coverage applicable to the negligent act or omission exists. (b) <i>Sponsors and operators.</i> — Any person who sponsors or operates a nonprofit sports program shall not be liable under the laws of this State for civil damages resulting from any negligent act or omission of any person who renders services without compensation as a member of the qualified staff of a nonprofit sports program and occurring in the performance of any duty of such qualified member to the extent that said damages exceed either liability insurance coverage applicable to the negligent act or omission or minimum liability insurance coverage required by law if no coverage applicable to the negligent act or omission exists. <u>Subchapter VI. Civic Organizations Maintaining Parkland</u> § 6840. Definitions. As used in this subchapter: (1) The term “civic organization” shall be defined as any nonprofit organization, which is the owner of parkland, or which has contracted with the State or a political subdivision thereof for the maintenance of parkland provided that: a. The organization is not organized for profit or is qualified as an exempt organization under § 501(c) of the Internal Revenue Code of 1954, as amended [26 U.S.C. § 501(c)]; b. No part of the net earnings of the organization inures to the benefit of any private shareholder or individual. (2) The term “member of a staff” means any person or entity which: a. Is a member, board member, director or officer of a civic organization; or b. Is an employee of a civic organization. (3) The term “negligent act or omission” shall be defined in accordance with applicable state law, except that such meaning shall not include any reckless act or omission or any grossly negligent act or omission. (4) The term “parkland” shall be defined as real property, including improvements erected thereon and fixtures attached thereto, used primarily for recreational purposes and owned by the State, a political subdivision or a civic organization; provided that:	
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	a. The property is not used by the civic organization or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor or bondholder of the organization or operator or any other person through the distribution of profits or the payment of excessive compensation; b. The property is used for recreational purposes and upon liquidation or dissolution of the organization, or abandonment by the organization, none of the assets of the organization or benefits from the property will inure to the benefit of anyone except a community chest, fund, foundation, government, governmental agency, civic association, maintenance corporation or other nonprofit organization; c. The use of the property is open, without charge, to the public members of the civic organization, or to the residents of the neighborhood, community or subdivision in which the property is located, regardless of sex, race, creed, color or national origin; d. The property does not have a swimming pool thereon. (5) The term “sponsor” means any person or entity which provides financial support to a civic organization through contributions, gifts or payment of dues. § 6841. Limitation on liability of civic organizations maintaining parkland. (a) No civic organization, as defined in § 6840 of this title, shall be liable under the laws of this State for civil damages resulting from any negligent act or omission of such organization, its staff or any person or entity with which such organization may contract, which act or omission occurs in connection with the construction or maintenance of parkland. (b) No member of the staff of a civic organization shall be liable under the laws of this State for civil damages resulting from any negligent act or omission of such organization, its staff or any person or entity with which such organization may contract, which act or omission occurs in connection with the construction or maintenance of parkland. The immunity provided in this subsection shall apply only to the extent that said damages exceed either existing liability insurance coverage applicable to the negligent act or omission or the minimum liability insurance coverage required by law if no coverage applicable to the negligent act or omission exists. (c) No sponsor of any civic organization shall be liable under the laws of this State for civil damages resulting from any negligent act or omission of such organization, its staff or any person or entity with which such organization may contract, which act or omission occurs in connection with the construction or maintenance of parkland. The immunity provided in this subsection shall apply only to the extent that said damages exceed either existing liability insurance coverage applicable to the negligent act or omission or the minimum liability insurance coverage required by law if no coverage applicable to the negligent act or omission exists. <u>Subchapter VII. Immunity for Distribution of Fire Safety Devices and Equipment</u> § 6850. Smoke detectors. (a) No nonprofit organization, municipality, town, county or other political subdivision of this State, or duly organized fire company, including volunteer fire companies, that distributes any type of smoke detection device and/or batteries free of charge to the recipient thereof shall be liable for any civil damages arising out of any injury to person or property proximately caused by an alleged defect in the design, manufacturing, maintenance or operation of any smoke detection device and/or battery distributed pursuant to this section. No duly organized fire company, including volunteer fire companies, and no firefighter thereof, that mounts a battery-operated smoke detection device on a wall	
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	or ceiling, or that installs batteries in a battery-operated smoke detection device, free of charge to the recipient thereof shall be liable for any civil damages arising out of any injury to person or property proximately caused by the installation of the smoke detection device and/or battery pursuant to this section. The immunity provided by this section does not apply if the smoke detection device or battery is sold or offered for sale or with respect to the installation of a smoke detection device if the firefighter does not test the smoke detection device upon installation. Nothing in this section is intended to limit any liability on the part of the manufacturer, distributor or retailer of a smoke detection device or battery. (b) The immunities granted in subsection (a) of this section apply only to the degree and extent that no insurance coverage exists. § 6851. Donations to volunteer fire department. (a) <i>Liability protection.</i> — A person who donates qualified fire control or rescue equipment to a volunteer fire department shall not be liable for civil damages for personal injuries, property damage or loss, or death caused by the equipment after the donation. (b) <i>Exceptions.</i> — Subsection (a) of this section does not apply to a person if: (1) The person’s act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; (2) The person is the manufacturer of the qualified fire control or rescue equipment; or (3) The person modified or altered the equipment after it had been recertified by an authorized technician as meeting the manufacturer’s specifications. (c) <i>Definitions.</i> — (1) “Authorized technician” means a technician who has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by a state or local agency administering the distribution of the fire control or fire rescue equipment. (2) “Fire control or rescue equipment” shall be understood to include any fire vehicle, firefighting tool, communications equipment, protective gear, fire hose, or breathing apparatus. (3) “Person” shall be understood to include any governmental or other entity. (4) “Qualified fire control or rescue equipment” shall mean fire control or fire rescue equipment that has been recertified by an authorized technician as meeting the manufacturer’s specifications. (5) “Volunteer fire department” shall mean those volunteer fire departments which are subject to certification and regulation by the State Fire Prevention Commission. (d) <i>Effective date.</i> — This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a) of this section, is donated on or after May 27, 2010.	
FLORIDA		
Florida no longer recognizes Charitable Immunity. <u>Wilson v. Lee Memorial Hosp.</u> , 65 So. 2d 40 (Fla. 1953) (holding that charitable immunity would violate the Florida Constitution); <u>Nicholson v. Good Samaritan Hosp.</u> , 145 Fla. 360, 199 So. 344 (1940).	Fla. Stat. § 768.13 Good Samaritan Act; immunity from civil liability Summary: The Good Samaritan Act allows those who act reasonably in helping in an emergency that occurs outside of a facility with proper medical equipment to avoid liability where the victim does not refuse treatment. The act protects both those with and those without medical training or licenses as long as the person providing help acts reasonably.	<u>Cambell v. Kessler</u> , 848 So. 2d 369; 2003 In this case involving a volunteer member of a citizen patrol (Reuben Berger), the volunteer rear-ended a third party’s car while on patrol. At the time of the

Rather Florida has adopted a statutory scheme for Voluntary Protection.	Statute Text: (2)(a) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a public health emergency declared pursuant to s. 381.00315, a state of emergency which has been declared pursuant to s. 252.36 or at the scene of an emergency outside of a hospital, doctor’s office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances. Fla. Stat. § 768.1345 Professional malpractice; immunity Summary: A professional rendering professional services without compensation, during a period of emergency is immune from professional malpractice claims if the professional acted in a reasonably prudent manner. Statute Text: No person shall have a claim for professional malpractice against a licensed professional who provides services for which no compensation is sought or received to such person during the period of a declared emergency if the professional services arose out of the emergency and if the professional acted as an ordinary reasonably prudent member of the profession would have acted under the same or similar circumstances. Fla. Stat. § 768.1355, Florida Volunteer Protection Act Summary: A person who volunteers for a non-profit organization is considered an agent of the nonprofit and is not liable for good faith acts or omissions. Statute Text: A person, including an officer or a director, who volunteers to perform any service for a nonprofit group, with no monetary or material compensation, is not liable for any act or omission which results in personal injury or property damage if they acted in good faith, within the scope of duty, and the volunteer acted as a reasonably prudent person would under the same or similar circumstances. Exceptions: injury or damage caused by wanton or willful misconduct on the part of the person performing the duties Fla. Stat. § 768.136 - Liability for canned or perishable food distributed free of charge Volunteer donators A good faith donor who donates food apparently fit for human consumption will not be subject to criminal penalty or civil damages arising from the condition of the food. Exceptions: gross negligence, recklessness, or intentional misconduct on the part of the donor. A charitable or non-profit organization or a volunteer acting on behalf of such organization that collects, transports or distributes food apparently fit for human consumption will not be subject to criminal penalty or civil damages arising from the condition of the food. Exceptions: gross negligence, recklessness, or intentional misconduct on the part of the donor. Fla. Stat. § 430.204, Protection for elder-care volunteers Summary: The department for community care for the elderly may provide appropriate insurance to protect volunteers from personal liability while acting within the scope of their duties.	accident the volunteer was driving a car owned by the sheriff’s office and the volunteer acknowledged failing to see the car in front of him. In reversing a lower court’s grant of summary judgment for the defendant pursuant to the Florida Volunteer Protection Act, Fla. Stat. Ch. 768.1355(1)(2001), the Court of Appeal of Florida, Fourth District found that each requirement of the Florida Volunteer Protection Act must be present in order for immunity to apply. The court found that it is not enough for a defendant to assert that he or she was not acting willfully or wantonly and within the scope of her volunteer duties for the protection to apply. The court’s ruling noted that —There are substantial questions of material fact as to whether Berger acted as an ordinarily prudent person would... There is ample evidence in this record to raise genuine issues as to Berger’s alleged failure to use ordinary care. <u>Halenda v. Habitat for Humanity</u>, 125 F. Supp 2d 1361, 2000 A husband and wife were en route to perform work for Habitat for Humanity when they were involved in a car accident with another family. The family sued Habitat for Humanity alleging that the nonprofit was vicariously liable. The court found that the wife was an employee of Habitat for Humanity, but the husband, who was driving at the time of the accident, was a volunteer and not an agent of Habitat for Humanity. The court declined to hold Habitat for Humanity vicariously liable. <u>Baxter v. Hog Valley Volunteer Fire Department</u>, 669 So. 2d 285, 1996 A paid, county firefighter was injured while working alongside firefighters from a city volunteer fire department. He sued the volunteer fire department for negligence. The fire department claimed governmental immunity. The Court found that the firefighters worked for a private, non-profit fire department and were not controlled by the county. The Court found that the mention of —volunteer in the definition of employee in the Worker’s Compensation Law signified those who volunteer directly for the county.
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GEORGIA		
Georgia does provide charitable immunity for charitable institutions. Though such institutions can be subject to suit in State Courts, the recovery is limited to the extent of available non-charitable assets.	Under Georgia law, although charitable institutions are subject to suit in tort, recovery is limited to the extent of available non-charitable assets. <i>Morehouse College vs. Russell</i> , 219 Ga. 717, 135 S.E.2d 432 (1964). Thus any recovery by the Plaintiff(s) is contingent upon whether or not Defendants have any charitable assets. Liability insurance is considered a non-charitable asset that can be recovered by Plaintiff. <i>Id.</i> ; <i>Young Men's Christian Assn. v. Bailey</i> , 112 Ga. App. 684 (146 SE2d 324) (1965); <i>Cox v. DeJarnette</i> , 104 Ga. App. 664 (123 SE2d 16) (1961). <i>See Also Ponder v. Fulton-DeKalb Hospital Authority</i> , 256 Ga. 833, 353 S.E.2d 515 (1987).	Plaintiffs have the burden to prove the existence and amount of liability insurance coverage and/or other non-charitable assets possessed by Defendants once they establish that they are charitable institutions. <i>Cutts vs. Fulton-DeKalb Hosp. Auth.</i>, 192 Ga. app. 517, 518, 285 S.E.2d 436 (1989). O.C.G.A. § 14-5-50; <i>Harrell v. Lewis Smith Memorial Hospital</i>, 197 Ga. App. 189, 397 S.E.2d 746 (1990). Impliedly then, Defendants must first have an opportunity to present evidence that they are a charitable institution. Without this opportunity, the burden would never shift to Plaintiff. It should also be noted that a charitable institution cannot assert the defense of charitable immunity against an individual who meets the following criteria: “(1) enters the hospital under an agreement to pay for services, (2) is able to pay for services, and (3) does pay for services.” <i>Walker v. Fulton–DeKalb Hosp. Authority</i>, 200 Ga. App. 750, 751, 409 S.E.2d 529 (1991), overruled on other grounds, <i>Thomas v. Hospital Authority of Clarke County</i>, 264 Ga. 40, 440 S.E.2d 195 (1994) (quoting <i>Patterson v. Fulton–DeKalb Hosp. Authority</i>, 192 Ga. App. 167, 384 S.E.2d 205 (1989)); <i>Bagley v. Fulton–DeKalb Hosp. Authority</i>, 216 Ga. App. 537, 455 S.E.2d 325 (1995). Significantly, this “paying patient” exception is <u>limited to the hospital context only</u>. <i>See Id.</i> Moreover, there is no partially paying patient exception to the paying patient rule. If a patient receives <i>any</i> charity, like a reduced fee, immunity applies to shield liability. <i>Wynn v. Fulton–DeKalb Hosp. Authority</i>, 196 Ga. App. 52, 395 S.E.2d 343 (1990). Where the defendant produces evidence that the patient is the recipient of its charity, a patient claiming that he was able to pay and was not a charity patient, that patient or his or her personal representative has the burden of proving that the paying patient exception should apply. <i>Bagley, supra</i>.

		There are also two exceptions to the charitable immunity doctrine in Georgia. First, there is no charitable immunity for negligent hiring or selection of employees or volunteers whose negligence causes injury to a plaintiff, and there can be a judgment against charitable assets in such cases. <i>Morehouse College, supra</i>; <i>Keys v. Enrichment Services Program, Inc.</i>, 183 Ga. App. 8, 9, 357 S.E.2d 852 (1987). If a claim is based on <i>respondeat superior</i> liability for the negligence of a charity’s agent, but the charity exercised due care in hiring that agent, plaintiffs can only recover against non-charitable assets, if any, including insurance policies. <i>Id.</i> For example, in <i>Morehouse College, et al. v. Russell</i>, 109 Ga. App. at 301, a student drowned in a swimming class offered by the defendant school. Plaintiffs alleged that the decedent drowned because school administrators “failed to provide a sufficient number of competent and experienced [swimming] instructors” and selected instructors who were “known to be incompetent.” <i>Id.</i> at 308. Plaintiffs also alleged that the school was liable in <i>respondeat superior</i> for the swimming instructors’ negligence. Applying the rule set forth in <i>Cox v. DeJarnette</i>, the court found that claims against the college for negligent hiring could move forward and recovery could be made against “the general assets of the [charitable] trust.” <i>Id.</i> The claims against the college in <i>respondeat superior</i> for the negligence of the swimming instructors could also move forward, but only against “non-charitable assets as might be disclosed by the allegations of the petition.” <i>Id.</i> at 320. “There is, however, [another] exception to the doctrine of charitable immunity. ‘Where a patient in such an institution [a hospital] is not the recipient of its charity, but is <u>able to pay and does pay for the services</u>, and is injured on account of carelessness, negligence, or incompetence of an officer or employee of the institution, the corporation is liable therefore. . . .’” <i>Cutts v. Fulton-DeKalb Hosp. Authority</i>, 192 Ga. App. 517, 518, 385 S.E.2d 436, 437 (1989) (citing <i>Morton v. Savannah Hosp.</i>, 148 Ga. 438, 96 S.E. 887 (1918) (emphasis added)).
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HAWAII		
Hawaii’s has no statutory provisions pertaining to charitable immunity, but does confer immunity in certain circumstances to nonprofit entities and their employees and volunteers. There is no Hawaii case law interpreting these statutes. Under Hawaii law, limited immunity is afforded to a “Nonprofit organization” under section 662D-1 of the Hawaii Revised Statutes and is defined as any organization that is exempt from taxation pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. section 501(c), as amended. Hawaii provides immunity to any “Nonprofit organization” that provides volunteers to maintain or repair cemetery grounds in Hawaii, except for injury or damages resulting from gross negligence or intentional misconduct. See Haw. Rev. Stat. § 662D-5. Hawaii also provides immunity to any “Nonprofit organization” that provides volunteers to a government entity to design, construct, maintain, or repair a public skateboard park, except under the doctrine of respondeat superior. See Haw. Rev. Stat. § 662D-4. Volunteers for nonprofit organizations are granted immunity, and respondeat superior liability can be established for employees of nonprofit organizations where the organization has minimum assets or liability insurance coverage.	<u>SECTION 662D-2. Scope of immunity.</u> When an employee causes an injury by any act or omission and is within the scope of their official functions and duties for a nonprofit organization, a hospital, or a government entity that has: A) a general liability policy covering at least \$200,000 per occurrence and \$500,000 aggregate at the time of injury and claim; or B) total assets (exclusive of grants and allocations) of less than \$50,000, proof of the act or omission is sufficient to establish the responsibility of the entity under the doctrine of respondeat superior. Immunity is granted to the volunteer with respect to any and act or omission. <u>SECTION 662D-1. Definitions.</u> For purposes of Section 662D-1, “government entity” means any agency, association, authority, board, commission, division, office, officer, public body, task force, or any other similar entity authorized or established by any county or the State. “Nonprofit corporation” means any corporation that is exempt from taxation pursuant to section 501(a) of the Internal Revenue Code, 26 U.S.C. section 501(a). “Nonprofit organization” means any organization that is exempt from taxation pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. section 501(c), as amended. “Volunteer” means a person performing services without compensation, other than reimbursement for actual expenses incurred, for a nonprofit organization, a nonprofit corporation, a hospital, or a governmental entity. The term includes a volunteer serving as a director, officer, trustee, member, or direct service volunteer. <u>SECTION 662D-3. Exception.</u> If otherwise permitted by law, an injured person may sue and recover civil damages from a volunteer based upon: any gross negligence, willful and wanton misconduct, or intentional misconduct; any act or omission in connection with the operation of a motor vehicle; any conduct engaged in by the volunteer while the volunteer is unreasonably interfering with the lawful activities of another; any conduct engaged in by the volunteer that takes place on private property when the volunteer's presence on the property was not consented to by the owner; any act or omission within a volunteer's scope of practice for which the volunteer is licensed, certified, permitted, or registered under state law to perform; provided that this paragraph shall not apply to volunteer medical assistance services pursuant to section 321-2.5; and any criminal offense committed by the volunteer. <u>SECTION 662D-4. Limited liability for volunteers for activities at public skateboard parks.</u> A volunteer who designs, constructs, maintains or repairs a skateboard park for a government entity is not liable to any person or damage sustained when using a public skateboard park, unless the injury or damages resulted from gross negligence or intentional misconduct. A nonprofit organization or nonprofit corporation that provides volunteers to a government entity to design, construct, maintain, or repair a public skateboard park is not liable to any person or damage sustained when using a public skateboard park, except under the doctrine of respondeat superior. <u>SECTION 662D-5. Limited liability for maintain or repairing cemetery grounds.</u> An individual volunteer who maintains or repairs cemetery grounds located in Hawaii without compensation, is not liable to any person or injury or damage sustained as a result of the actions of the volunteer to maintain or repair the	N/A

	cemetery grounds, except for injury or damages resulting from gross negligence or intentional misconduct. Any nonprofit organization, nonprofit corporation, or other entity that provides volunteers to maintain or repair cemetery grounds in Hawaii is not liable to any person for injury or damages sustained as a result of the actions of a volunteer provided by the organization, corporation, or entity to maintain or repair the cemetery grounds, except for injury or damages resulting from gross negligence or intentional misconduct. A volunteer may receive reimbursement for actual expenses incurred if authorized by for payment by the nonprofit organization, nonprofit corporation, or other entity. The volunteer need not have the required licensure under chapter 441, provided that maintenance and repair activities are limited to general maintenance, care, and preservation of cemeteries (does not include activities related to burials). A volunteer can provide maintenance and repair services as an individual and not as a member of an affiliate of a cemetery authority, nonprofit corporation, nonprofit organization, or other entity, if the volunteer obtains written approval from the cemetery owner or authority and does not receive compensation or reimbursement for any expenses other than actual expenses incurred for maintenance and repair of the cemetery grounds.	
IDAHO		
Charitable immunity for a church or charitable institution does not exist in Idaho. However, volunteers or unpaid members, officers and directors are individually immune from civil liability arising from official conduct or actions within the scope and course of their duties on behalf of the church or charitable organization, but only to the extent there is no liability insurance covering such actions. There are additional exceptions to immunity for such individuals: 1) for fraud, willful or wanton conduct or knowing violation of the law; 2) intentional breach of fiduciary duty to the church or charitable institution or its members; 3) a transaction from which the officer or director received an improper personal benefit, and; 4) damages which result from operation of a motor vehicle.		
ILLINOIS		
The Illinois Supreme Court abolished the common law doctrine of charitable immunity in <i>Darling v. Charleston Community Memorial Hospital</i>, 33 Ill. 2d 326 (1965). However, the Legislature gave “new life” to the doctrine through 730 ILCS 115/1(e): “the immunity is absolute except to the extent the governmental or charitable entity is engaged in willful and wanton misconduct or was grossly negligent”; This Immunity extends to “volunteers” and “employees.” <i>Id.</i> However, case law does allow “negligent” retention cases against churches and schools. See cited cases in the second column.	Courts have repeatedly held that the breach of a duty to supervise students in a school setting does not, as a matter of law, rise to the level of willful and wanton conduct. <i>Gubbe v. Catholic Diocese of Rockford</i>, 122 Ill. App. 2d 71, 79 (1970). In <i>Gubbe</i>, plaintiff, seeking to recover for injuries inflicted by a fellow student, alleged that defendants were guilty of willful and wanton misconduct in providing inadequate supervision of the school playground and in failing to provide plaintiff with protection from his assailant even though plaintiff previously had requested such protection. The court held as a matter of law that the complaint stated insufficient facts to warrant an inference that defendants were guilty of willful and wanton misconduct. <i>Id.</i> In <i>Doe v. Coe</i>, Parents of a minor church member adequately alleged facts that would show that church and church pastor had notice of director of youth ministries’ particular unfitness for position, specifically, sexual interest in children, as required to state claim against church and pastor for negligent retention, arising out of director’s sexual assault of minor member; parents alleged that director had inappropriate physical contact with underage girls at youth group and other activities, that director was often only adult present with the children, that church employees or volunteers, including pastor, were present for some of these activities, that early childhood professional reported to pastor certain interactions between director and minor member that she believed to be inappropriate, which permitted inference that director’s actions toward member were sufficiently indicative of his sexual interest in her such that reasonable prudent person, trained to recognize such interest, would have noticed, and that pastor and other church employees were or should have been so trained. <i>Doe v. Coe</i>, 2019 IL 123521, 434 Ill. Dec. 117, 135 N.E.3d 1 (Ill. 2019).	

	Allegations that church’s director of youth ministries allowed underage girls to sit on his lap and that he engaged in inappropriate bodily contact during a church confirmation event were insufficient to support a claim that church learned or should have learned director had a particular unfitness for his position, as required for a claim of negligent retention against church asserted by parents of minor allegedly raped by director more than one year after event; parents did not indicate who was present at event and might have witnessed director's behavior, and their allegation that church members complained to pastor about the event at a meeting following defendant's arrest for the alleged rape did not support a claim that church should have terminated director prior to the rape. <i>Id.</i> Church-sponsored program that provided teachings and activities for children one evening a week was not a "school" for purposes of statute providing immunity from liability for ordinary negligence to teachers and other educational personnel, and thus church was not entitled to vicarious immunity in action by program participant who was injured during program's end-of-year party, even though program fit the generic definition of a school; program was more akin to a scouting organization than a school, as it had no relationship with an educational system, its name described it as a "club" rather than a school, and it was run by volunteer church members, rather than teachers or employees. <i>Gallarneau ex rel. Gallarneau v. Calvary Chapel of Lake Villa, Inc.</i>, 992 N.E.2d 559 (Ill. App. 2d Dist. 2013).	
INDIANA		
Indiana no longer recognizes the common law doctrine of charitable immunity from tort liability. <i>Harris v. Young Women’s Christian Association of Terre Haute</i> , 237 NE.2d 242 (Ind. 1968). Indiana has enacted a statute granting immunity for a qualified director for civil liability arising from negligent performance of the director’s duties. Ind. Code § 34-30-4-1. However, there is no definition for qualified director. In addition, Indiana has enacted a statute granting immunity for a volunteer of a nonprofit, an agency providing rehabilitation services or a 501(c)(3) organization, as long as the volunteer exercised reasonable care in the performance of their duties as a volunteer. Ind. Code § 34-30-4-2. The immunity statutes do not impact the liability of the entity the volunteer or director serves. Ind. Code § 34-30-4-3.	<u>Ind. Code 34-6-2-127 “Qualified director”</u> “Qualified director”, for purposes of IC 34-30-4, means any of the following individuals: (1) An individual who serves without compensation for personal services as a member of a board or commission of the state or a political subdivision for the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of that board or commission. (2) An individual who serves without compensation for personal services as a director or an officer for the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of a nonprofit corporation operating under IC 12-29, except IC 12-29-3-6 or an agency providing services under IC 12-12-3, or a nonprofit corporation that has one (1) of the following purposes: (A) Religion. (B) Charity. (C) Benevolence. (D) Providing goods or services at no charge to the general public. (E) Education. (F) Scientific activity. (G) Developing or providing hospital services. (H) Medical research. (I) Developing or providing ambulance services or emergency medical treatment services. (3) An individual who serves without compensation for personal services as a director for the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of an organization that acts as an advocate for its members and that has as its members individuals or organizations that are: (A) members of a particular trade or industry; or (B) members of the business community of a particular municipality or area of the state.	In <i>Jackson v. New Albany-Floyd County Public Library Board of Trustees</i>, the United States District Court for the Southern District of Indiana addressed the New-Albany-Floyd County Public Library Board of Trustees (“Board”) motion to dismiss which argued that the Board was immune from civil liability under Indiana Code §§ 34-6-2-127 and 34-30-4-1. 2003 WL 21755444 (S.D. Ind. July 18, 2003) The Court denied the Board’s motion because the Plaintiffs did “not state a claim against the Board trustees in their individual capacities, and because, as this litigation progresses, Plaintiffs may adduce facts that implicate the Board, as an entity, as well as the library...”

	(4) An individual who serves without compensation for personal services as a director of a national, regional, or local fraternity or sorority that is connected with, and under the supervision of, a postsecondary educational institution located within Indiana. (5) An individual who serves the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of a homeowners association (as defined in section 58 of this chapter). (6) An individual who serves without compensation for personal services as a director for the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of the Special Olympics or the Pan American Games. “Compensation”, for purposes of this section, has the meaning set forth in section 28(a) of this chapter. <u>Ind. Code 34-30-4-1 Qualified Director</u> Notwithstanding any other law, a qualified director is immune from civil liability arising from the negligent performance of the director's duties. <u>Ind. Code 34-30-4-2 Volunteer or volunteer director; immunity</u> (a) This section does not apply to a health care provider (as defined in IC 34-18-2-14). (b) An individual who: (1) serves as a volunteer or volunteer director of: (A) a nonprofit corporation operating under IC 12-29-3-6; (B) an agency providing services under IC 12-12-3; or (C) a nonprofit organization that is exempt from federal taxation under Section 501(c)(3)1 of the Internal Revenue Code; and (2) exercises reasonable care in the performance of the individual's duties as a volunteer or a volunteer director of an entity described in subdivision (1);is immune from civil liability arising out of the performance of those duties. <u>Ind. Code 34-30-4-3 Liability of entity</u> This chapter does not affect the civil liability of the entity a qualified director serves.	
IOWA		
Iowa no longer recognizes the common law concept of nongovernmental charitable immunity. The Iowa Supreme Court has made clear the legislature, not the courts, create and grant immunity. Therefore, as a general rule regarding liability, incorporated charities are treated no different than private individuals or business corporations. Iowa law does grant immunity to health care providers who provide health care services pursuant to Iowa Code § 135.24 as employees of the state and does grant immunity to state volunteers pursuant to Iowa Code § 669.24.	<i>Iowa Code § 135.24, Volunteer health care provider program established—immunity from civil liability</i> Eligible facilities (such as hospitals, clinics, health care providers, etc.) are allowed to provide free health care services (such as medical, dental, chiropractic, social work, etc.) on a voluntary basis by participating health care providers when certain criteria are met. Specifically, section 135.24 classifies such health care providers as employees of the state , thus afforded the protection provided by section 669.21, if the health care provider (1) registered with the department and (2) performed said services through a participating facility. Section 135.24 also provides free clinics, field dental clinics, and specialty health care providers are considered state agencies, thus afforded protection under chapter 669, if certain criteria is met.	Iowa law on charitable immunity changed in the mid-1900s when the Iowa Supreme Court rejected the advancement of its public-policy based charitable immunity precedent in <i>Haynes v. Presbyterian Hospital Ass’n</i> , 45 N.W.2d 151 (1950) (overruling <i>Mikota v. Sisters of Mercy</i> , 168 N.W. 219 (Iowa 1918) and <i>Servison v. Y.M.C.A.</i> , 296 N.W. 769 (Iowa 1941)). Interestingly, the Court’s decision in <i>Haynes</i> was seemingly not based on any legislative

	Iowa Code § 135.24(7)(a) defines “charitable organizations” consistent with the meaning of section 501(c)(3) of the Internal Revenue Code. <i>Iowa Code § 669.21, Employees defended and indemnified; Iowa Code § 669.2(3)(a), (b) Claim defined</i> The state is required to defend, indemnify, and hold harmless any state employee against a claim for money based on property damage, personal injury, or death caused by negligence or wrongful conduct if said employee was acting within the scope of their employment. Iowa Code § 669.21 does not require the state to defend, indemnify, and hold harmless a state employee who fails to cooperate in the investigation or defense of the claim, or if the employee’s conduct upon which the claim is based was willful and wanton, or an omission or malfeasance in office. <i>Iowa Code § 669.23, State employees</i> State employees are generally not personally liable for claims against the state. <i>See</i> Iowa Code § 669.14. <i>Iowa Code § 669.24, State volunteers</i> State volunteers (person who does not receive compensation and performs services for the state government/agency/subdivision) is not personally liable for a claim based on the volunteer’s conduct unless said conduct involved intentional misconduct, knowing violation of the law, or said volunteer received an improper personal benefit.	amendments: Instead, the court appeared to rely on judicial reasoning and concluded the public policy rationale was no longer applicable. <i>Sullivan v. First Presbyterian Church, Waterloo</i>, 152 N.W.2d 628 (Iowa 1967) affirmed the court’s decision to abandon charitable immunity in <i>Haynes</i> and solidified that Iowa law does not recognize charitable immunity, regardless of the nature of the charitable institution (i.e. hospital vs church). <i>Id.</i> at 633-34; <i>see also Baker v. U.S.</i>, 226 F.Supp. 129, 130 (S.D. Iowa 1964) (“It is clear that under Iowa law charitable institutions must respond for the negligence of their employees.”) (judgment aff’d, 343 F.2d 222 (8th Cir. 1965)); <i>Galloway v. State</i>, 790 N.W.2d 252, 255 (Iowa 2010) (“such considerations were a critical aspect of our analysis when we abolished the doctrine of immunity for charitable institutions”); <i>Opinions of the Attorney General</i>, Opinion No. 68-4-10 (1968) (noting Attorney General Richard Turner specifically stated “[t]he doctrine of charitable immunity no longer exists” and advised a non-profit corporation organized to provide ambulance services would not be relieved from liability for negligently rendered services, nor would the corporation’s agents, including volunteer workers, for said negligent acts).
KANSAS		
Charitable immunity is not generally available as noted in this entry.	Charitable institutions are liable for the torts of their servants. <i>Noel v. Menninger Foundation</i>, 267 P.2d 934, 175 Kan. 751. Statute K.S.A. 60-3601 provides immunity for volunteers (officers, directors, trustees or other persons performing a service) of non-profit organizations. K.S.A. 60-3601 provides if a nonprofit organization carries general liability insurance, a volunteer of such organization shall not be liable for damages in a civil action for the acts or omissions as such volunteer unless (1) such conduct constitutes willful or wanton misconduct or intentionally tortious conduct; or (2) such volunteer is required to be insured by law, or is otherwise insured against such acts or omissions, but, in such case, liability shall be only to the extent of the insurance coverage. K.S.A. 60-3601 further provides if a nonprofit organization carries general liability insurance coverage, a volunteer of such organization shall not be liable for damages in a civil action for the actions or omissions of any officers, directors, trustees or employees of the nonprofit organization unless the volunteer (1) authorizes, approves or ratifies willful, wanton or intentional misconduct or (2) such volunteer is required to be insured by law, but in such case liability is limited to the extent of insurance coverage. K.S.A. 60-3601 further provides nothing in this section shall be construed to affect the liability of a non-profit organization for the negligent acts of its volunteers.	For additional information on case law, please contact the Harmonie member firm directly.

	K.S.A. 60-3611 provides limited immunity for volunteers of a nonprofit homeowners organization. K.S.A. 60-3614 provides limited immunity for criminal offenders performing community work.	
KENTUCKY		
Kentucky did away with charitable immunity in 1961 when our highest court reversed its previous position and held that “the charitable nature of an institution is not sufficient within itself to give immunity from liability or its torts.” <i>Mulikin v. Jewish Hospital Assoc.</i> , 348 S.W.3d 930, 935 (Ky. 1961).	Although charitable immunity no longer exists through common law, the Kentucky legislature has passed a variety of statutes that insulate charitable activities. For example, KRS § 411.200 offers broad civil immunity for non-profit volunteers: Any person who serves as a director, officer, volunteer or trustee of a nonprofit organization qualified as a tax-exempt organization under Section 501(c) of the Internal Revenue Code of 1986, as from time to time amended, and who is not compensated for such services on a salary or prorated equivalent basis, shall be immune from civil liability for any act or omission resulting in damage or injury occurring on or after July 15, 1988, if such person was acting in good faith and within the scope of his official functions and duties, unless such damage or injury was caused by the willful or wanton misconduct of such person. Additionally, Kentucky has several laws that guarantee immunity to those who act in emergency situations. The broadest of these statutes offers immunity to certain licensed individuals who volunteer assistance at the scene of the emergency, unless the volunteer’s act constitutes willful or wanton misconduct. KRS § 411.148. These licensees include physicians, nurses, emergency medical technicians, and anyone certified in CPR by the American Red Cross. <i>Id.</i> Other immunity statutes apply to specific situations. KRS § 75.070 protects volunteer firefighters from liability while answering alarms, performing fire prevention services, or performing other emergency services. KRS § 39A.280 offers immunity for personnel affiliated with a local disaster and emergency services organizations in the absence of malice or bad faith. Lastly, KRS § 311.668 protects volunteers who render good faith emergency care using an automatic external defibrillator.	
LOUISIANA		
Louisiana is a civil law jurisdiction, as opposed to a common law jurisdiction. The rules governing charitable immunity are set forth in several civil statutes noted in this entry.	The rules governing charitable immunity are set forth in several civil statutes; specifically, La. Rev. Stat. 9:2791 to 9:2800.27. Each statute governs a different type of charitable organization. For example: a. Non-profit hospitals (9:2792); b. Civic and historic organizations (9:2792.3); c. Political subdivisions (9:2792.4); d. Catholic charities (9:2793.6); e. Religious organizations (9:2793.9); f. Emergency aid (9:2793); and g. Mardi Gras parades (9:2796). Louisiana also has a statute that covers limitation of liability for COVID-19 exposure (9:2800.25). In general, the statutes provide that uncompensated individuals who are serving as directors or officers of tax-exempt or non-profit organizations are not liable for damage arising out of his or her exercise of judgment, so long as he or she was acting: (1) in good faith; (2) within the scope of his or her duties; and (3) without intent to cause the damage. The statutes specific to religious institutions concern: (1) rendering evacuation assistance and services in advance of a hurricane or tropical storm declared by the National Weather Service; and (2) rendering disaster relief during a declared	For detail on cases affecting the notes in this entry, please feel free to reach out to the local Harmonie member firm.

	state of emergency. Persons who render those services are not liable for damage resulting from their actions, so long as the damage was not caused by gross negligence or willful and wanton misconduct. Concerning immunity for firefighters, police officers, and other individuals rendering assistance at the scene of an emergency, in general, persons who are in good faith rendering emergency care, first aid, or rescue at the scene of an emergency are not liable for damage resulting from the rendering of assistance. Exception is made when damage is caused by intentional acts or acts of gross negligence. Concerning COVID-19, La. Rev. Stat. 9:2800.25 provides that a person is not liable for damage to another that has resulted from COVID-19 exposure during the course of business operations unless the person failed to substantially comply with the applicable COVID-19 procedures established by the federal, state, or local government, and the person’s actions amounted to gross negligence or wanton or reckless misconduct.	
MAINE		
Maine law holds that charitable immunity applies only if an organization obtains its funds primarily from public and private charity. <u>See Thompson v. Mercy Hosp.</u> , 483 A.2d 706 (Me. 1984). If an entity has insurance, recovery is limited to the extent the coverage provides. M.R.S. Title 14, Ch. 7, § 158.	A director, officer or volunteer for a charitable organization is immune from civil liability for injury, death or damage. Directors, officers and volunteers are immune from civil liability for another’s act or omission at the charitable organization. A charitable organization is not liable for claims arising from a juvenile work program. A Good Samaritan who renders emergency aid is not liable for civil damages. A person volunteering for a mass immunization project is not liable for damages caused to an immunized person. A special advocate volunteer and a volunteer fire fighter are not civilly liable for official duties. <u>14 M.R.S. § 158-A (Non-profit Volunteer Immunity)</u> A director, officer or volunteer for a charitable organization is immune from civil liability for personal injury, death or property damage including monetary loss. This applies when the cause of action involves a negligent act or omission and occurs within the scope of activity of the charitable organization. Directors, officers and volunteers are also immune from civil liability for an act or omission that was not committed by them but occurred within the scope of activity of the charitable organization. Exceptions to this include that a director, officer or volunteer is considered to have waived immunity if the cause of action arises out of operation of a motor vehicle, vessel, aircraft or any vehicle that requires a license and insurance. The extent of damages will not exceed the extent of insurance coverage. <u>14 M.R.S. § 158-B (Charitable Immunity for Juvenile Community Service Work)</u> A charitable organization is not liable for a claim arising from death or injury to a person or damage to property caused by a juvenile participating in a supervised work program, performing community service or providing restitution under 15 M.R.S. § 3301. <u>14 M.R.S. § 164 (Good Samaritan Law)</u> A person who voluntarily and without expectation of compensation renders first aid, emergency or rescue assistance to an unconscious, ill or injured person is not liable for damages for injuries or death alleged to have come from an act or omission of the volunteer. Exceptions include the injury or death was caused willfully, wantonly or recklessly or by gross negligence by the volunteer. This section applies to members or employees of non-profit volunteer or governmental ambulance, rescue or emergency units whether the user fee is charged by the nonprofit or government entity, or whether or not the member or employee receives compensation or salary for the non-profit or government entity. Nothing in this section shall be construed to require a person who is ill or injured to be administered aid if they object on religious grounds.	For an overview of charitable immunity in Maine, please <u>see Kennedy v. State</u> , 730 A.2d 1252 (Me. 1999); <u>Bernard v. McKinnis</u> , 699 A.2d 1148 (Me. 1997).

	<u>22 M.R.S. § 1063 (Public Immunization Volunteers)</u> No person who works as a volunteer in a public immunization program without compensation is liable for damages, injuries or death alleged to have been sustained by a person immunized under the program. Exceptions include that the volunteer caused the injuries or death willfully, wantonly, recklessly or by gross negligence. <u>4 M.R.S. § 1506 (Special Advocate Immunity)</u> A person serving as a regional volunteer coordinator of the Court Appointed Special Advocate Program is immune from civil liability under 14 M.R.S. § 741 for acts performed within the scope of duty. <u>14 M.R.S. §811 (Government Employee Immunity)</u> Employees of governmental entities are immune from personal civil liability for performing or failing to perform functions or duties or for intentional acts or omissions within the scope of employment. Exceptions include employee’s actions are found to have been in bad faith.	
MARYLAND		
Maryland continues to follow the doctrine of charitable immunity, which was first recognized in Maryland in Perry v. House of Refuge, 63 Md. 20 (1885). It is a common law doctrine intended to protect charitable organizations from tort liability. Under Maryland law, charitable immunity is premised on the trust fund theory: Because funds of the organization are intended for charitable purposes, they should not be diverted to pay tort damage awards. The charitable immunity defense applies only to tort actions. For a recent case that summarizes the charitable immunity doctrine in Maryland, see <i>Montrose Christian School v. Walsh</i>, 363 Md. 565 (2001).	Note, however, that a policy of liability insurance issued to a charitable institution for negligence or any other tort must include a provision that for a claim covered by the policy, the insurer may not assert a defense that the insured is immune from liability because it is a charitable institution. <i>Md. Insurance Code § 19-103</i>. In effect, a charitable organization that holds a liability insurance policy is subject to claims up to the policy limit. For the purposes of the charitable immunity rule, the term “charitable organization” means a tax-exempt organization that operates exclusively for charitable, religious, scientific, educational or other purposes recognized by the Internal Revenue Service. Volunteer fire, ambulance, rescue, police and other law enforcement organizations that solicit charitable contributions are covered under the rule. A volunteer is not liable in damages beyond the limits of any personal insurance the volunteer may have in any suit that arises from the volunteer’s act or omission in connection with any services provided or duties performed by the volunteer on behalf of the association or organization, unless an act or omission of the volunteer constitutes gross negligence, reckless, willful, or wanton misconduct, or intentionally tortious conduct. <i>Md. Courts and Judicial Proceedings § 5-407</i>.	Maryland continues to follow the doctrine of charitable immunity, which was first recognized in Maryland in Perry v. House of Refuge, 63 Md. 20 (1885). For a recent case that summarizes the charitable immunity doctrine in Maryland, see <i>Montrose Christian School v. Walsh</i>, 363 Md. 565 (2001).
MASSACHUSETTS		
Massachusetts abolished the Charitable Immunity Defense in 1971 but enacted a statute capping the damages that can be awarded for tort claims. <u>See John Doe No. 4 v. Levine</u>, 77 Mass. App. Ct. 117, 118 (2010); M.G.L. Ch. 231, § 85K (limiting damages to \$20,000, exclusive of interest and costs, for tort cases in which the subject tortious conduct “was committed in the course of an activity carried on to accomplish directly the charitable purposes” of the defendant entity; and limiting damages to \$100,000, exclusive of interest and costs, for medical malpractice claims against charitable organizations). The purpose of the statute is “to protect the funds [and other assets] of charitable institutions so they may be devoted to charitable purposes.” <u>Keene v. Brigham & Women’s Hospital, Inc.</u>, 439 Mass. 223, 238 (2003).	<u>M.G.L. Ch. 231, § 85K (Limitation of Tort Liability of Certain Charitable Organizations)</u> Chapter 231, Section 85K states that a corporation, trust, or association’s status as a charity shall not be a defense in a tort action. However, if a tort was committed by a charitable organization during an activity that was implemented to accomplish directly the charitable purposes of the entity, damages for such liability are capped at \$100,000, exclusive of interest and costs, for torts arising from medical malpractice claims and \$20,000 for all other tort claims. Activities that are “primarily commercial in character” are not afforded these limitations on damages. Directors, officers, and trustees of charitable organizations will not be held liable solely because of their employment status as a director, officer, or trustee of a charitable organization if they were acting in good faith and within the scope of their official functions and duties, barring any willful or wanton misconduct. Section 85 is inapplicable to any cause of action arising from a person’s operation of a motor vehicle. <u>M.G.L. Ch. 231 § 85K (Charitable Education Institute)</u> A person who serves in good faith and without compensation, other than reimbursement for expenses incurred, as a director, officer, or trustee of a charitable educational institution is not liable for any act or omission resulting in	For an overview of the Charitable Immunity Doctrine in Massachusetts, <u>see English v. New England Medical Center</u>, 405 Mass. 423 (1989), <u>cert. denied</u>, 493 U.S. 1056 (1990); <u>Ricker v. Northeastern University</u>, 361 Mass. 169 (1972); <u>Morrison v. Lennett</u>, 415 Mass. 857 (1993); <u>John Doe No. 4 v. Levine</u>, 77 Mass. App. Ct. 117 (2010).

	damage or injury to another. Exceptions include that the damage or injury was caused by willful or wanton misconduct. <u><i>M.G.L. Ch. 19A § 33A (Volunteer Ombudsman)</i></u> A volunteer ombudsman is not liable in any civil or criminal action for good faith performance of his duties. <u><i>Mass. Ann. 19A § 38 (Volunteer Elder Care)</i></u> A volunteer elder care counselor or coordinator is not liable in any civil or criminal action for good faith performance of duties. <u><i>M.G.L. Ch. 112 § 12B (Medical Good Samaritan)</i></u> A duly registered physician, physician assistant or nurse who in good faith and without fee voluntarily renders good faith emergency care, other than in the ordinary course of duty, is not liable in a suit for damages as a result of acts or omissions. The volunteer is also not liable to a hospital for expenses incurred if the volunteer causes a person to be hospitalized. <u><i>M.G.L. Ch. 112 § 23B (Respiratory Therapist Volunteer)</i></u> A duly registered respiratory therapist, who in good faith and without fee voluntarily renders emergency care other in the ordinary scope of practice, is not liable in a suit for damages resulting from acts or omissions. The volunteer is also not liable to a hospital for expenses incurred of the volunteer causes the person to be hospitalized. <u><i>M.G.L. Ch. 112 § 58A (Veterinarian Volunteer)</i></u> A duly registered veterinarian, who in good faith and without fee voluntarily renders emergency care other in the ordinary scope of practice, is not liable in a suit for damages resulting from acts or omissions. The volunteer is also not liable to a hospital for expenses incurred of the volunteer causes the animal to be hospitalized. <u><i>M.G.L. Ch. 231 § 85V (Athletic Volunteer)</i></u> A person who, without compensation, volunteers as a manager, coach, umpire or assistant in a sports program of a non-profit association, or who renders services to a sailing program of a non-profit association, or the officer, director, trustee or member of the organization, is not liable to any person for any action in tort resulting from acts or failure to act in the scope of conducting the sports programs. Exceptions include that acts or failures to act that are intentionally designed to harm, or gross negligence that results in harm to a person.	
MICHIGAN		
The doctrine of charitable immunity in Michigan was abolished by <i>Parker v Port Huron Hospital</i>, 361 Mich 1, 105 NW2d 1 (1960). Notwithstanding, the Michigan Legislature has created statutory exceptions to extend charitable immunity to certain individuals, as listed in the next section.	Subject to exceptions of recklessness, gross negligence, or wanton or willful misconduct, the following actors are immune from civil liability: A volunteer acting on behalf of a governmental agency is immune from tort liability. MCL 691.1407(2). A volunteer guardian ad litem is immune from liability for official duties. MCL 691.1407(6). Volunteer conservation officers, state park volunteers, and state forests volunteers benefit from the same immunity as government employees. MCL 324.1607, MCL 324.74105, and MCL 324.83105. A volunteer assisting in a hazardous material spill is not liable when rendering assistance in good faith. MCL 324.20302. A volunteer assisting in a declared emergency is not liable for performance of official duties. MSA 4.824(21).	The doctrine of charitable immunity in Michigan was overruled in <i>Parker v Port Huron Hospital</i>, 361 Mich 1, 105 NW2d 1 (1960).

	A volunteer for a public school and a strict discipline academy also enjoy governmental immunity. MCL 380.503 and 380.1311e. A physician, registered nurse, or practical nurse, are not liable for emergency care rendered. MCL 691.1502. A member of the ski patrol who act as Good Samaritans are not liable for emergency care rendered. MCL 691.1507. Food donors are immune from civil liability. MCL 691.1572. A block parent volunteer who provides emergency assistance to a minor is not liable for civil damages. MCL 691.1502. Governmental staff and uncompensated volunteers in mass immunization programs are immune from civil liability. MCL 333.9203. Uncompensated volunteer health professionals who render nonemergency care to uninsured or underinsured patients are not liable in tort. MCL 333.16277.	
MINNESOTA		
Minnesota has abolished Charitable Immunity as a common law doctrine. <i>Geiger v. Simpson Methodist Episcopal Church</i>, 174 Minn. 389, 219 N.W. 463 (1928); <i>High v. Supreme Lodge of the World, Loyal Order of Moose</i>, 214 Minn. 164, 7 N.W.2d 675 (1943). However, Minnesota statutes provide that a director, officer, trustee, agent or member of a non-profit organization, and an uncompensated fire chief of a non-profit firefighting corporation or a municipal volunteer fire department are not civilly liable for good faith acts or omissions. Minn. Stat. § 317A.257 (“Minnesota Nonprofit Corporation Act”). Minnesota statutes also protect “Good Samaritans” who render emergency care at the scene of an emergency from civil liability. Minn. Stat. § 604A.01. Minnesota statutes further provide additional protection to athletic volunteers, ombudsman volunteers, and entities who donate livestock services. Minn. Stat. § 604A.11; Minn. Stat. § 256.9742; Minn. Stat. § 604A.12, (respectively).	<u>Minn. Stat. § 317A.257. Unpaid, non-profit entities.</u> The following people are not civilly liable for an act or omission if it was in good faith and within the scope of their official responsibilities: A person who serves without compensation as a director, officer, trustee, agent or member of a non-profit organization; A person who serves without compensation as a fire chief of a non-profit firefighting corporation or a municipal volunteer fire department. <i>Exceptions:</i> Immunity does not apply where an act or omissions constituted willful or reckless misconduct. And, under subd. 2(a)(1)-(4), § 257, subd. 1 does not apply to: An action or proceeding brought by the attorney general for a breach of a fiduciary duty as a director; A cause of action to the extent it is based on federal law; A cause of action based on the person's express contractual obligation; or An action or proceeding based on a breach of public pension plan fiduciary responsibility. <u>Minn. Stat. § 604A.01. Good Samaritan Law.</u> A person who, in good faith and without compensation, renders emergency care at the scene of an emergency, or in transit from the scene to a location where professional medical care can be rendered, is not liable for civil damages resulting from acts or omissions in rendering the care. <i>Exceptions:</i> Immunity does not apply where the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. <u>Minn. Stat. § 604A.11. Athletic volunteers.</u>	<i>Rehn v. Fischley</i>, 557 N.W.2d 328 (Minn. 1997) (Minn. Stat. § 317A.257 creates statutory immunity, rather than an affirmative defense, for those who serve without compensation as a director, officer, trustee, member or agent of a nonprofit corporation; statute protects all uncompensated persons acting for nonprofit corporation even if their acts are outside specific scope of their duties).

	The following people or entities are not civilly liable for money damages to a player, participant or spectator as a result of individual acts or omissions in rendering service at an event, or while an injured person is being transported to a medical facility: A person who volunteers as an athletic coach, manager, official, physician or certified athletic trainer for a non-profit sports team, or for a sports team sponsored by a public or private educational institution; A community-based, voluntary non-profit athletic association. <i>Exceptions:</i> There is no relief from liability if: The coach, manager, official, physician, or athletic trainer is covered under an insurance policy issued to the entity for whom any of these persons serves; The individual acts in a willful and wanton or reckless manner in providing service; The acts or omissions arise out of the operation, maintenance, or use of a motor vehicle; The person is an athletic coach, manager, or official who provides services or assistance as part of a public or private educational institution's athletic program; The entity is a public or private educational institution for which a physician or certified athletic trainer provides services; or The individual acts in violation of federal, state, or local law. <u>Minn. Stat. § 256.9742, subd.2. Ombudsman volunteers.</u> An ombudsman and staff, including volunteers, are immune from civil liability if the acts or omissions were in good faith and within the scope of responsibility. <i>Exceptions:</i> Immunity does not apply to acts or omissions that constitute willful or reckless misconduct. <u>Minn. Stat. § 604A.12. Livestock activities.</u> A non-profit organization, person or entity donating services, livestock, facilities or the use of equipment for the use of a non-profit organization is not liable for the death or injury to a participant resulting from inherent risks of livestock activities. <i>Exceptions:</i> There is no relief from liability if: The person providing livestock failed to take reasonable precautions; The person knew or should have known that the livestock or equipment was dangerous; The person owns or leases the land where the injury occurred and failed to use reasonable care; The person is a livestock activity sponsor who fails to post plainly visible signs at prominent locations on the premises where the livestock activity takes place warning of the inherent risks of the livestock activity and limitation of liability under § 604A.12; or The act or omission was willful or negligent.	
MISSISSIPPI		
The Mississippi Supreme Court abolished the judicially created charitable immunity doctrine in 1951. <i>See Mississippi Baptist Hospital v. Holmes</i> , 55 So. 2d 142, 152 (Miss. 1951). The Mississippi Legislature, however, has created narrow exceptions for application of charitable immunity, as discussed below.	Mississippi defines a charitable organization as an incorporated or unincorporated organization that has been established and is operating for religious, charitable, or educational purposes and that does not distribute any of its income to its members, directors or officers. <i>See</i> Miss. Code Ann. § 95-7-1. There are various circumstances under which Mississippi’s legislature has extended charitable immunity. A brief explanation of each follows below.	The Mississippi Supreme Court abolished charitable immunity in <i>Mississippi Baptist Hospital v. Holmes</i> , 55 So. 2d 142, 152 (Miss. 1951). In rendering its decision, the Mississippi Supreme Court noted that “neither the encouragement of charity and philanthropy nor the doctrine of immunity on the

	Mississippi Code Ann. § 73-25-38 provides charitable immunity for specified health care individuals, including licensed physicians, physician assistants or certified nurse practitioners, who voluntarily provide needed medical or health services to any person without the expectation of payment due to the inability of such person to pay for said services for any civil action arising out of the provision of medical or health services provided in good faith on a charitable basis. The immunity does not extend to acts of willful or gross negligence. Except in emergency cases, a written waiver is required in advance of the procedure or services. A written waiver is not required in the cases of medical care provided at a church-operated medical clinic, as long as the clinic receives less than \$40,000 in patient payments. The same statute grants immunity from civil liability to licensed physicians, physician assistants, certified nurse practitioners assisting with emergency management/operations or hazard mitigation responses without a fee or compensation. Additionally, the immunity is extended to physicians who voluntarily render medical care under a special volunteer medical license, as long as the physician agrees, orally or in writing, to provide voluntary uncompensated medical care before providing that care. Both of these additional immunities are subject to an exclusion for gross negligence or willful acts or omissions. The physician, physician assistant, and certified nurse practitioner immunity does not extend to on-site or mid-transport emergency care. However, these services are subject to the limited protections under Mississippi’s Good Samaritan Law, outlined in Miss. Code Ann. § 73-25-37. This statute creates immunity for licensed, practicing physician, physician assistant, dentist, registered nurse, licensed practical nurse, certified registered emergency medical technician, or any other person who, in good faith and in the exercise of reasonable care, renders emergency care to an injured person on-site and in-transport. This Good Samaritan immunity extends to employees of public school districts, private schools, or parochial schools who are trained in the administration of auto-injectable epinephrine who administers the epinephrine to a student in good faith. Additionally, the immunity extends to people who in good faith are treating someone with an automated external defibrillator. The statute protects against civil liability for any personal injuries resulting from the care or treatment when the person acts as an ordinary, reasonably prudent person would have acted under the same circumstances. It does not extend to acts of gross negligence or willful or wanton misconduct. Charitable immunity also applies to any licensed physician, certified nurse practitioner, psychologist or physician assistant who voluntarily provides needed medical or health services to any program at an accredited school in the state without the expectation of payment. This immunity is codified in Miss. Code Ann. § 11-1-71, which creates immunity for any civil action arising out of the provision of medical or health services provided in good faith on a charitable basis. The Mississippi Legislature has also extended the doctrine of charitable immunity to charitable pharmacy services. Under Miss. Code Ann. § 73-21-125, any community pharmacy, including a faith-based community pharmacy, or any licensed pharmacist, or any other person who voluntarily provides charitable services in a community pharmacy, is immune from civil liability that arises out of supplying pharmaceutical products. A charitable pharmacy is defined as a pharmacy operated solely for charitable purposes, whose function is to supply gratuitous pharmaceutical products and is operated by a nonprofit organization or a tax-exempt organization. The charitable immunity granted to pharmacy services does not extend to acts of gross negligence or willful or wanton misconduct. Nor does it extend to the manufacturer or designer of the products provided.	ground of public policy can dispel the fact that the primary interest and welfare of the public requires that one person should not suffer an injury to his or her life or limb without recompense merely in order that all of the earnings of a charitable hospital should be devoted to the purpose of providing charity for others.” <i>Id.</i> at 156. The Mississippi Supreme Court has not addressed charitable immunity since <i>Mississippi Baptist Hospital v. Holmes</i>. Thirty-five years after charitable immunity was abolished in Mississippi, however, the United States District Court for the Southern District of Mississippi addressed whether a charitable corporation was liable for a volunteer who fell from a scaffolding and was injured. In <i>Hill v. March of Dimes Birth Defects Foundation</i>, 641 F.Supp. 110 (S.D.Miss. 1986) the court approached the liability analysis in the context of a premises liability case and applied Mississippi’s traditional trichotomy analysis of trespasser, licensee, and invitee to find that a volunteer was a licensee. Furthermore, the court found that the charitable organization could not be held liable for injuries suffered by the volunteer nor could it be held liable under the theory of <i>respondeat superior</i>. The court did not directly discuss charitable immunity, but noted in a footnote that charitable immunity did not apply.
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	Charitable distribution of food is another area where Mississippi has codified charitable immunity. Under Miss. Code Ann. § 95-7-5, a charitable or nonprofit organization which in good faith receives and distributes food that the organization determines to be wholesome is not liable for damages in any civil action based on strict liability in tort for any injury or death. Additionally, under Miss. Code Ann. § 79-11-526, a sponsor or advertiser of an event shall not be held vicariously liable for negligence of another in connection with or as a consequence of his involvement as a sponsor or advertiser of an event if he does not exercise any control or supervision over any aspect of the event. A sponsor is any person, corporation, or entity who, for charitable purposes or for the promotion of peace, health, and welfare of the community donates or contributes to an event.	
MISSOURI		
In overruling prior inconsistent opinions, Missouri, in a forward step, eliminated the defense of charitable immunities in tort actions as of November 10, 1969, prospectively. Today, subject to a few exceptions, non-governmental charitable institutions are liable for their own negligence and the negligence of their agents and employees acting within the scope of their employment. Whereas a volunteer of a non-profit organization or governmental entity is immune from personal liability for any act or omission resulting in damage or injury to the person intended to receive the benefit of service. This applies if the volunteer acted in good faith and within the official scope of his or her duties. Exceptions apply for intentional or malicious conduct or by negligence on the part of the volunteer. Other types of volunteers, such as school volunteers, social services volunteers, and emergency worker volunteers, have similar protection under Missouri law.	Mo. Rev. Stat. § 537.118.1(3), <i>Volunteer Definition</i> An individual performing services for a nonprofit organization or a governmental entity who is not compensated for his services on a salary or prorated equivalent basis. The term shall not include those covered by Mo. Rev. Stat. § 537.117. Mo. Rev. Stat. § 537.118.2, <i>Volunteer Protection</i> A volunteer for a non-profit organization or governmental entity is immune from personal liability for any act or omission resulting in damage or injury to the person intended to receive the benefit of service. This applies if the volunteer acted in good faith and within the official scope of their duties. <u>Exceptions</u>: damage or injury caused by intentional or malicious conduct or by the volunteer’s negligence. Mo. Rev. Stat. § 160.261, <i>Public School Volunteers</i> Public school volunteers are not civilly liable when acting in conformity with the school’s established discipline policy. Mo. Rev. Stat. § 252.245, <i>Conservation Volunteers</i> Conservation volunteers functioning within the scope of authority are considered unpaid volunteers and are accorded the protection of the legal defense fund and liability provisions. Mo. Rev. Stat. § 217.055, <i>Department of Corrections Volunteer</i> A volunteer for the Department of Corrections is considered an unpaid employee and is accorded the protection of workers’ compensation, the legal defense fund and liability provisions. Mo. Rev. Stat. § 260.545, <i>Assistance to a Political Subdivision</i> Any person who provides assistance at the request of the Department of Conservation, a political subdivision or a volunteer fire protection district in the event of a release of a hazardous substance is not liable in any civil action for damages for acts or omissions in rendering assistance. <u>Exceptions</u>: The volunteer is not relieved from civil damages if they had control of the spilled hazardous substance, if they received payment for their assistance, or for acts or omissions that resulted from intentional wrongdoing or gross negligence. Mo. Rev. Stat. § 660.608, <i>Department of Social Services Volunteer</i> A volunteer regional coordinator or local program staff for the Department of Social Services is not liable for good faith performance of official duties and will not be immune from suit for the good faith performance of duties.	Missouri adopted the doctrine of charitable immunity in 1907. <i>Adams v. University Hospital</i>, 99 S.W. 453 (Mo. Ct. App. 1907). In 1969, the Missouri Supreme Court abolished the doctrine of charitable immunity, adding that the abolition would operate prospectively only from November 10, 1969, the date of its decision. <i>Abernathy v. Sisters of St. Mary’s</i>, 446 S.W.2d 599 (Mo. 1969). That same year, the Missouri Court of Appeals held that the abolition of charitable immunity applied to churches. <i>Garnier v. St. Andrew Presbyterian Church of St. Louis</i>, 446 S.W.2d 607 (Mo. 1969). In <i>Bodard</i>, the plaintiff sought damages for injuries alleged to have resulted from the negligence of defendant college, or alternatively, from defendant’s maintenance of a nuisance. <i>Bodard v. Culver-Stockton College</i>, 471 S.W.2d 253 (Mo. 1971). Where the cause of action arose before the abolition of the doctrine of charitable immunity, the court held the fact that defendant had purchased and held public liability insurance did not nullify the pre-<i>Abernathy</i> defense. <i>Id.</i> In <i>Swinford</i>, the Missouri Supreme Court held that the doctrine of charitable immunity from tort liability applied to bar recovery for damages arising out of a collision between plaintiff and an employee defendant religious organization. <i>Swinford v. Bliley</i>, 513 S.W.2d 381 (Mo. 1974). The court refused to apply the <i>Abernathy</i> rule retroactively because liability insurance coverage existed at the time of the

	Mo. Rev. Stat. § 44.023, <i>Emergency Volunteer Workers</i> Architects, professional engineers, construction contractors, and equipment dealers working under the emergency volunteer program are not personally liable for any act committed in the performance of official duties as volunteers. Any individual, partnership or corporation working under the emergency volunteer program is not liable for acts committed in the performance of their duties as volunteers. <u>Exceptions</u>: willful misconduct or gross negligence.	accident or because profits were derived by defendant from some of its activities. <i>Id.</i> Under the law in effect at the time of the plaintiff's injury, the doctrine of charitable immunity served only to insulate the charitable institution itself from liability and did not extend immunity to individual tortfeasors. <i>Schoern v. Kerner</i>, 544 S.W.2d 43 (Mo. Ct. App. 1976).
MONTANA		
Montana has not adopted the common law concept of charitable immunity. However, Montana has enacted statutory immunity for nonprofit corporation officers, directors, and volunteers in 1987, with minor changes adopted through 2015. Mont. Code Ann. § 27-1-732. Montana has also statutory protections for emergency care at the scene of an accident by physicians, surgeons, and volunteer firefighters or other rescue volunteers (§ 27-1-714); limited immunity for emergency care by health care providers for obstetrical care or assistance (§ 27-1-734); immunity for food donations to or from a charitable or nonprofit organization absent gross negligence or intentional conduct (§ 27-1-716); and immunity for nonprofits sponsoring rodeo events for injuries suffered by contestants absent willful or wanton acts. (§ 27-1-733).	Mont. Code Ann. § 27-1-732, immunity of nonprofit corporation officers, directors, and volunteers: An officer, director, or volunteer of a nonprofit corporation is not individually liable for any action or omission made in the course and scope of the officer's, director's, or volunteer's official capacity on behalf of the nonprofit corporation. This section does not apply to liability for willful or wanton misconduct. The immunity granted by this section does not apply to the liability of a nonprofit corporation. Here a "nonprofit corporation" means: (a) an organization exempt from taxation under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended; or (b) a corporation or organization that is eligible for or has been granted tax-exempt status by the department of revenue. . . Mont. Code Ann. § 27-1-714, emergency care: Any person licensed as a physician and surgeon under the laws of the state of Montana, any volunteer firefighter or officer of any nonprofit volunteer fire company, any search and rescue volunteer, or any other person who in good faith renders emergency care or assistance without compensation . . . at the scene of an emergency or accident is not liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by the person in rendering the emergency care or assistance. Mont. Code Ann. § 27-1-716, charitable food donation: A good faith donor of any canned or perishable food, apparently fit for human consumption, to a bona fide charitable or nonprofit organization for free distribution or a gleaner of perishable food, apparently fit for human consumption, for free distribution is not subject to any criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by gross negligence or intentional misconduct of the donor or gleaner; A bona fide charitable or nonprofit organization that in good faith receives food, apparently fit for human consumption, and distributes it at no charge is not subject to any criminal penalty or civil damages resulting from the condition of the food unless an injury is caused by gross negligence or intentional misconduct of the organization. Mont. Code Ann. § 27-1-733, nonprofit organization or employee for sponsored rodeo and similar events: A nonprofit organization sponsoring a rodeo, cowboy polo, cutting horse, O-Mok-See, trail riding, horse packing, horse show, or jackpot roping event, or employee of the organization, is not liable for injuries suffered by a contestant as a result of the contestant's voluntary participation in the event except for injuries caused by a willful or wanton act of the sponsoring organization or its employees. Mont. Code Ann. § 27-1-734, limits on liability of health care provider in emergency situations:	Montana's nonprofit volunteer statute has been interpreted as broader than the Federal Volunteer Protection Act, but our courts have had limited opportunity to apply the statute in depth. <i>Washcle ex rel. Birkhold-Waschle v. Winter Sports, Inc.</i>, 127 F.Supp.3d 1090, 1092 (D. Mont. 2015); 42 U.S.C. § 14501. In <i>Washcle</i>, the Montana federal district court determined host parents of a foreign exchange student were volunteers for the nonprofit organization in a suit against them by the parents of the student following a ski accident. In making its determination, the court considered the fact that the nonprofit organization arranged exchange, and thus the host family performed a service on behalf of organization and not to benefit organization, but to benefit student, a role the host family could not have been effectively done unless they communicated directly with student's parents and assumed general portions of the parental role. Further, the organization vetted host family before accepting them into program, dictated many of the terms of the host family's relationship with student, and could terminate program at any time. As such the volunteer statute shielded the parents from liability absent willful or wanton misconduct.

	A physician . . . nurse . . . or a hospital . . . rendering care or assistance in good faith to a patient of a direct-entry midwife in an emergency situation is liable for civil damages for acts or omissions committed in providing such emergency obstetrical care or assistance <u>only</u> to the extent that those damages are caused by gross negligence or by willful or wanton acts or omissions.	
NEBRASKA		
Nebraska has done away with the common law doctrine of charitable immunity. In its place, Nebraska adopted a “Good Samaritan” law which grants immunity to volunteers giving gratuitous emergency care. See Neb. Rev. Stat. § 25-21,186. Nebraska law also grants immunity to members of a volunteer fire department, first-aid, rescue, or emergency squad, unless the damage results from wanton or willful conduct. See Neb. Rev. Stat. § 35-107. Additionally, Nebraska extends this immunity to volunteers in free clinics or nonprofit organizations as long as injuries are not a result of wanton or willful conduct. See Neb. Rev. Stat. § 25-21,188.02.	<i>Neb. Rev. Stat. § 25-21,186, Good Samaritans</i> A person who renders emergency care at the scene of an accident or other emergency gratuitously, shall not be liable for civil damages as a result of any act or omission to provide or arrange for medical treatment or care for the injured person. <i>Neb. Rev. Stat. § 35-107, Fire Department, First Aid, Rescue and Emergency Squad Volunteers</i> No member of a volunteer fire department, volunteer first-aid, rescue, or emergency squad which provides emergency public first-aid and rescue services shall be liable in any civil action for damages resulting from his or her good faith act, unless the damage results from a willful or wanton act. <i>Neb. Rev. Stat. § 25-21,188.02, Volunteers in Free Clinics or Other Facilities</i> Any person credentialed under the Uniform Credentialing Act to practice as a physician, osteopathic physician, pharmacist, dentist, physician assistant, nurse, or physical therapist who voluntarily provides their services in a free clinic or other not-for-profit organization that is not operated by a licensed hospital, shall be immune from civil liability for any act or omission which results in damage or injury, unless the injury was caused by the willful or wanton act or omission of the practitioner.	In 1912, Nebraska adopted a policy of partial immunity which protected nonprofit charitable corporations such as hospitals from liability to those receiving its charitable care. This doctrine was abrogated by the Nebraska Supreme Court on April 22, 1966, and nonprofit charitable hospitals are no longer exempt from tort liability. <i>Myers v. Drozda</i> , 180 Neb. 183, 141 N.W.2d 852 (1966), <i>Duncan v. Nebraska Sanitarium Benev. Ass’n</i> , 92 Neb. 162, 137 N.W. 1120 (1912), and <i>Muller v. Nebraska Methodist Hospital</i> , 160 Neb. 279, 70 N.W.2d 86. The above statutes include immunities that are still available to good Samaritans and volunteers of charitable organizations.
NEVADA		
Nevada recognized the common law doctrine of charitable immunity originally in <i>Bruce v. Young Men’s Christian Ass’n</i> , 51 Nev. 372 (1929). Such immunity was largely abolished by statute in 1957. NRS 41.480. Provisions governing limitations and conditions for volunteers and charitable organizations are incorporated into Nevada’s statutory framework in NRS Chapter 41, which governs civil claims and liability.	LIABILITY OF NONPROFIT CORPORATIONS, ASSOCIATIONS, ORGANIZATIONS OR TRUSTS FOR THEIR ACTS OR ACTS OF AGENTS, EMPLOYEES OR SERVANTS NRS 41.480 Imposition of liability; conditions and limitations on actions based on acts and omissions of officers or directors. - Except as otherwise provided in NRS 41.519, a nonprofit corporation, association or organization formed under the laws of this State is not immune from liability for the injury or damage caused any person, firm or corporation as a result of the negligent or wrongful act of the nonprofit corporation, association or organization, or its agents, employees or servants acting within the scope of their agency or employment. - No action may be brought against an officer, trustee, director or other possessor of the corporate powers of a nonprofit association or trust formed under the laws of this State based on any act or omission arising from failure in his or her official capacity to exercise due care regarding the management or operation of the entity unless the act or omission involves intentional misconduct, fraud or a knowing violation of the law. NRS 41.485 Conditions and limitations on actions: Acts and omissions of volunteers of charitable organizations. - Except as otherwise provided in subsection 2, a volunteer of a charitable organization is immune from liability for civil damages as a result of an act or omission: - Of an agent of the charitable organization; or - Concerning services the volunteer performs for the charitable organization that are not supervisory in nature and are not part of any duties or responsibilities the volunteer may have as an officer, director or trustee of the charitable organization, unless the act is intentional, willful, wanton or malicious. - This section does not restrict the liability of a charitable organization for the acts or omissions of a volunteer performing services on its behalf. - As used in this section: “Agent” means an officer, director, trustee or employee, whether or not compensated, or a volunteer;	<i>Buck by Buck v. Greyhound Lines, Inc.</i>, 105 Nev. 756, 783 P.2d 437 (1989): The intended purpose of NRS 41.500 was to insulate persons who render emergency care from liability for ordinary negligence. <i>Hart v. Kline</i>, 61 Nev. 96, 116 P.2d 672 (1941) adopted definition of “gross negligence.” <i>Coty v. Washoe County</i>, 108 Nev. 757, 839 P.2d 97 (1992): To qualify for an exception to immunity under NRS 41.0336, the claimant must show that the defendants affirmatively caused harm by “actively create[ing] a situation which leads directly to the damaging result.” There is no Nevada law interpreting or otherwise commenting upon NRS 41.480 or NRS 41.485 in any substantive manner.

	(b) “Charitable organization” means a nonprofit corporation, association or organization, or a licensed medical facility or facility for the dependent, but does not include a fire department, law enforcement agency or auxiliary thereof; and (c) “Volunteer” means an officer, director, trustee or other person who performs services without compensation, other than reimbursement for actual and necessary expenses on behalf of or to benefit a charitable organization. LIABILITY OF AND ACTIONS AGAINST THIS STATE, ITS AGENCIES AND POLITICAL SUBDIVISIONS NRS 41.0336 Acts or omissions of firefighters or law enforcement officers. A fire department or law enforcement agency is not liable for the negligent acts or omissions of its firefighters or officers or any other persons called to assist it, nor are the individual officers, employees or volunteers thereof, unless: 1. The firefighter, officer or other person made a specific promise or representation to a natural person who relied upon the promise or representation to the person’s detriment; or 2. The conduct of the firefighter, officer or other person affirmatively caused the harm. LIABILITY OF PERSONS IN CONNECTION WITH FOOD DISTRIBUTED WITHOUT CHARGE NRS 41.491 Limitations on liability. 1. No civil action for an injury or illness which results from the consumption or use of wholesome food or a grocery product that is fit for human use may be brought against: (a) A person or an employee of a person who, in good faith, donates the food or grocery product to a nonprofit charitable organization for free distribution or to any other person for consumption or use; (b) A nonprofit charitable organization or an employee of a nonprofit charitable organization which, in good faith, receives or distributes without charge, the food or grocery product; (c) A person who harvests wholesome food and who, in good faith, donates that food to a nonprofit charitable organization for free distribution or to any other person for consumption; or (d) A person to whom wholesome food or a grocery product that is fit for human use has been donated without charge who, in good faith, distributes without charge that food or grocery product to a member of the person’s immediate family, unless the injury or illness directly resulted from the gross negligence or willful misconduct of the donor, donee, organization or employee. LIABILITY OF PERSONS WHO RENDER EMERGENCY CARE OR GRATUITOUS CARE (Good Samaritan Law) NRS 41.500 General rule; volunteers; members of search and rescue organization; persons rendering cardiopulmonary resuscitation or using defibrillator; presumptions relating to emergency care rendered on public school grounds or in connection with public school activities; business or organization that has defibrillator for use on premises. 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, except for a person who is performing community service as a result of disciplinary action pursuant to any provision in title 54 of NRS, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person. 2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor’s office or other medical facility, is not liable for any	
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civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any person who is an appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person whenever the person is performing his or her duties in good faith.

4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor’s office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to [chapter 450B](#) of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

- (a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;
- (b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or
- (c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency, and who in good faith renders cardiopulmonary resuscitation in accordance with the person’s training or the direction, other than in the course of the person’s regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

- (a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to [NRS 391.092](#); and
- (b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school, shall be presumed to have acted other than in the course of the person’s regular employment or profession.

8. Any person who gratuitously and in good faith renders emergency medical care involving the use of an automated external defibrillator is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

9. A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:

- (a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;
- (b) Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

	(c) Establishes requirements for the notification of emergency medical assistance and guidelines for the maintenance of the equipment. 10. As used in this section, “gratuitously” means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.	
NEW HAMPSHIRE		
Source: 8 NHPS: Personal Injury: Tort and Ins. Practice § 9.01 (2020) “Immunities recognized elsewhere, such as charitable immunity, were apparently never recognized in New Hampshire or were rejected relatively early. Since 1973, the Court has abandoned the traditional governmental immunities [See <i>Merrill v. Manchester, State v. Brosseau</i>] and has narrowly construed other immunities. [See, e.g., <i>Estabrook v. American Hoist & Derrick, Inc.</i> , 127 N.H. 162, 498 A.2d 741 (1985).] At the same time that the Court has been restricting common law immunities, however, the New Hampshire Legislature has been statutorily constructing immunities unknown to the common law. The Court adheres, however, to the rule that statutory grants of immunity that bar common law rights of recovery are strictly construed.”	Source: 8 NHPS: Personal Injury: Tort and Ins. Practice § 9.40 (2020) “Charitable immunity, a doctrine unknown to the common law, has been rejected on policy grounds by the New Hampshire Supreme Court. [See <i>Welch v. Frisbie Memorial Hosp.</i>, 90 N.H. 337, 9 A.2d 761 (1939). See also <i>Hewett v. Woman’s Hosp. Aid Ass’n</i>, 73 N.H. 556, 64 A. 190 (1906).] However, limited forms of such immunity have been legislatively created in the last few years. In 1985, the General Court enacted RSA 508:15, which provides immunity to donors of food and to organizations distributing food to needy individuals unless an injury results from the gross negligence, recklessness, or intentional misconduct of the donor. In 1986, the General Court enacted RSA 508:16, which provides that directors and officers of charitable organizations shall not be liable for damages for bodily injury, personal injury, or property damage if the claim for such damages arises from an act committed in good faith and without willful or wanton negligence in the course of an activity carried on to accomplish the charitable purposes of the organization or society. A director is defined in the statute as a person who serves without compensation on the board of trustees or board of directors of a charitable organization or society organized or incorporated in this state or having a principal place of business in this state. An officer is defined as a person who serves without compensation as an officer of such organization or society.” Note also RSA 508:17, which provides immunity from civil liability for volunteers acting in good faith and within the scope of the volunteer’s functions when damage r injury was not caused by willful, wanton, or grossly negligent misconduct. Further, it limits liability of a nonprofit organization for damage or injury sustained by any one person to \$250,000 and for any single incident to \$1,000,000.	<i>Merrill v. Manchester</i> (114 N.H. 722, 332 A.2d 378, 1974 N.H. LEXIS 361) and <i>State v. Brosseau</i> (124 N.H. 184, 470 A.2d 869 (1983)) restricted governmental immunity while <i>Welch v. Frisbie Memorial Hosp.</i>, 90 N.H. 337, 9 A.2d 761 (1939) and <i>Hewett v. Woman’s Hosp. Aid Ass’n</i>, 73 N.H. 556, 64 A. 190 (1906) rejected charitable immunity. In <i>Bourget v. Hillsborough County 4H Found., Inc.</i>, 2014 U.S. Dist. LEXIS 151826, 2014 DNH 225, 2014 WL 5431354, the opinion notes, “[The] section of the statute capping the liability exposure of nonprofit organizations is clear, unambiguous, and unconditional...”. <i>Yates v. Me. Yankee Air Boats, Inc.</i>, (2009 N.H. Super. LEXIS 92) ruled that the liability of the nonprofit organization was limited to the statutory amount.
NEW JERSEY		
While the Supreme Court of New Jersey overturned the doctrine of charitable immunity for torts in 1958, limited forms of immunity were restored through legislation.	<i>N.J.S.A. 2A:53A-7</i> Provides that non-profit corporations and associations organized for religious, charitable, educational or hospital purposes, shall be shielded from liability for negligence. The statute provides: No nonprofit corporation, society or association organized exclusively for religious, charitable or educational purposes or its trustees, directors, officers, employees, agents, servants or volunteers shall, except as is hereinafter set forth, be liable to respond in damages to any person who shall suffer damage from the negligence of any agent or servant of such corporation, society or association, where such person is a beneficiary, to whatever degree, of the works of such nonprofit corporation, society or association; provided, however, that such immunity from liability shall not extend to any person who shall suffer damage from the negligence of such corporation, society, or association or of its agents or servants where such person is one unconcerned in and unrelated to and outside of the benefactions of such corporation, society or association. An entity qualifies for statutory charitable immunity when it: (1) was formed for nonprofit purposes; (2) is organized exclusively for religious, charitable or educational purposes; and (3) was promoting such objectives and purposes at the time of the injury to plaintiff who was then a beneficiary of the charitable works. <i>Green v. Monmouth University</i>, 237 N.J. 516, 206 (2019); <i>see also Graber v. Richard Stockton College of New Jersey</i>, 313 N.J. Super. 476 (App. Div. 1998).	The Supreme Court recently ruled that the Charitable Immunity Act, shielded Monmouth University from liability after an individual was injured while at a concert on campus. <i>See generally Green v. Monmouth University</i> 237 N.J. 516 (2019). The trial court pointed to the Charitable Immunity Act applying to Monmouth University when granting summary judgment. <i>Id.</i> The Court ruled that “[a] charitable entity should be allowed to contract with third-party, for-profit entities to help facilitate the logistics of establishing and running a charitable event -- like a concert --inasmuch as certain third parties undoubtedly have certain resources, contacts, and expertise that a charitable entity may not possess. <i>Id.</i> If hiring third-party professionals triggers the loss of an entity’s immunity status, non-profits in turn will be dissuaded from presenting

	Charitable Immunity Act encourages private philanthropic activity by affording statutory immunity to qualifying non-profit organizations; Act was designed by the Legislature to foster the private provision of services that benefit the general welfare, thus relieving the government of the obligation to provide those services. <i>Estate of Komninos v. Bancroft Neurohealth, Inc.</i>, 417 N.J. Super. 309 (App. Div. 2010). No charitable immunity exists from negligence liability when the person who attends the charity's endeavor actually confers a benefit to the charity rather than receives one. <i>Kain v. Gloucester City</i>, 436 N.J. Super. 466 (App. Div. 2014). Immunity under the Charitable Immunity Act from liability in negligence is an affirmative defense. <i>Id.</i> On December 1, 2019, a statutory amendment, <i>N.J.S.A. 2A:14-2</i> came into effect in New Jersey significantly expanding the statute of limitations for claims by adults who were sexually abused while minors. Adult victims are permitted to file civil claims within seven years of the date of discovery of their injury. The prior law, which had been in effect for decades, limited victims of sexual abuse to filing civil claims within two years of their eighteenth birthday, or within two years of the date of discovery of the abuse. The new law permits minor victims to file civil claims until the age of fifty-five, or seven years from the time they become aware of their injury, whichever is later. In addition to expanding the statute of limitations, the new law includes carve-outs potentially exposing certain entities and organizations to liabilities for which they were previously immune. The new law amends New Jersey's Charitable Immunity Act, <i>N.J.S.A. 2A:53A-7</i>, by increasing the potential civil liability of nonprofit organizations, as well as individuals, under certain circumstances. Pursuant to the law, nonprofit organizations "organized exclusively for religious, charitable, educational or hospital purposes" and their directors, officers, employees, agents or volunteers can be held liable for "willful, wanton or grossly negligent" acts or omissions resulting in sexual abuse. Thus, nonprofit organizations may face liabilities for negligent hiring, supervision, or retention of an employee, agent, or volunteer that led to sexual abuse. This amendment to the Charitable Immunity Act applies retroactively and, therefore, works in conjunction with the changes to the statute of limitations. Otherwise, the Charitable Immunity Act remains intact.	religious, charitable, or educational events, which is contrary to the Legislature's intent." <i>Id.</i>
NEW MEXICO		
The New Mexico Legislature has not adopted the doctrine of charitable immunity from suit in tort, and it has not been recognized by the judiciary.	Volunteers acting on behalf of a governmental entity are covered employees within the purview of the Tort Claims Act. <i>See</i> NMSA 1978, § 41-4-3(F)(3). The law protects the volunteer by providing immunity for an act not included within the Tort Claims Act, and by affording the volunteer indemnification and a defense when immunity has been waived. <i>See</i> NMSA 1978, § 41-4-4. State park volunteers shall not be deemed to be a state employee and shall not be subject to the provisions of law relating to state employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation and state employee benefits. <i>See</i> NMSA 1978, §6-2-2.1(B).	The New Mexico Legislature has not adopted the doctrine of charitable immunity from suit in tort, despite policy arguments in favor of such immunity that are at least as persuasive as those in favor of immunity for unions. <i>AKINS V. UNITED STEEL WORKERS OF AMERICA</i>, 2010-NMSC-031, 148 N.M. 442, 237 P.3d 744. A claim may be asserted against a not-for-profit organization for negligence despite a claim that charitable immunity applies. <i>HINES V. ST. JOSEPH'S HOSP.</i>, 1974-NMCA-110, 86 N.M. 763, 527 P.2d 1075 (Ct. App. 1974).
NEW YORK		
New York State does not recognize the principle of charitable immunity for corporations. Indeed, New York Courts, when faced with choice of law questions regarding the application of another state's charitable immunity statutes, will often choose New York law	Charitable immunity is a common law principle eroded and eliminated in NY in the 1950's. NY Legislature has not adopted any statute to reinstate the doctrine.	New York State does not recognize the principle of charitable immunity (<i>Bing v Thunig</i> , 2 NY2d 656, 667 [1957]; see <i>Cooney v Osgood Mach.</i> , 81 NY2d 66, 74 [1993]; <i>Schultz v Boy Scouts of Am.</i> , 65 NY2d 189,

in order to vitiate the foreign venue’s rule to ensure recovery by a New York resident injured in that foreign state.	There is the exception for individuals: <u>NY Not for Profit Law 720-a</u> provides: “no person serving without compensation as a director, officer, key person or trustee of a corporation, association, organization or trust described in section 501 (c)(3) of the United States internal revenue code ¹ shall be liable to any person other than such corporation, association, organization or trust based solely on his or her conduct in the execution of such office unless the conduct of such director, officer, key person or trustee with respect to the person asserting liability constituted gross negligence or was intended to cause the resulting harm to the person asserting such liability.	203 [1985]. Choice of law issues will be resolved in a NY resident’s favor to vitiate a foreign state’s charity protections. <i>Rakaric v. Croatian Cultural Club</i> , 76 A.D.2d 619 [1980]
NORTH CAROLINA		
North Carolina abolished the common law defense of charitable immunity in 1967 with the passing of N.C.G.S.§ 1-539.9.	Qualified immunity exists for volunteers of charitable organizations or volunteers engaged in providing emergency services, as it pertains to civil liability for any acts or omissions resulting in any injury, death, or loss arising from the volunteer services if: 1. The volunteer was acting in good faith and the services rendered were reasonable under the circumstances; 2. The acts or omissions do not amount to gross negligence, wanton conduct, or intentional wrongdoing; and 3. The acts or omissions did not occur while the volunteer was operating or responsible for the operation of a motor vehicle. To the extent that any charitable organization or volunteer has liability insurance, such entity or person shall be deemed to have waived this qualified immunity to the extent of that insurance for acts of negligence. N.C.G.S.§ 1-539.10.	For specific case law, please contact the local Harmonie firm.
NORTH DAKOTA		
North Dakota does not recognize the common law doctrine of charitable immunity. <i>See Skoog v. City of Grand Forks</i> , 301 N.W.2d 404, 407 (N.D. 1981); <i>Granger v. Deaconess Hosp. of Grand Forks</i> , 138 N.W.2d 443, 445 (N.D. 1965). North Dakota has a limited statutory charitable immunity articulated in Chapter 32-03.3 of the North Dakota Century Code. This statute limits damages for personal injury claims to \$250,000.00 per person and \$1 million total for all claims arising from a single occurrence. <i>See</i> N.D. Cent. Code § 32-03.3-02(2). Another statute, contained within Chapter 10-33 of the North Dakota Century Code, provides immunity for the directors, officers, or trustees of a nonprofit organization if they acted in good faith and within the scope of their official duties, without willful conduct or gross negligence, and did not receive or expect to receive a large amount of compensation. N.D. Cent. Code § 10-33-47. North Dakota’s Good Samaritan Act affords additional immunity or liability shield to certain categories of volunteer service providers.	<u>N.D. Cent. Code § 32-03.3-02.</u> <u>Liability of charitable organizations--Limitations--Statute of limitations.</u> A charitable organization may be only held liable for money damages for a personal injury or property damage proximately caused by the negligence or wrongful act or omission of an employee acting within the employee’s scope of employment. The liability of the charitable organization under this chapter is limited to a total of \$250,000.00 dollars per person and \$1 million dollars for any number of claims arising from any single occurrence. The charitable organization may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages. The statute of limitations for claims against chartable organizations is governed by North Dakota’s limitations period statute, Chapter 28-01. <u>N.D. Cent. Code § 32-03.3-01(1), (3).</u> <u>Definitions of “charitable organization” and “employee” for purposes of Chapter § 32-03.3.</u> For purposes of Chapter § 32-03.3, a “charitable organizations” is a “nonprofit organization whose primary purpose is for relief of poor, disabled, underprivileged, or abused persons, support of youth and youth programs, or the prevention of abuse to children and vulnerable adults.”	<i>Neppel v. Dev. Homes, Inc.</i>, 953 N.W.2d 642, 648 (N.D. 2021) (The charitable immunity liability limit is moot where the liability damages are less than \$250,000). <i>Chamley v. Khokha</i>, 730 N.W.2d 864, 869 (N.D. 2007) (The Good Samaritan Act provides no immunity to the doctor or the hospital where the doctor had an expectation of remuneration).

For purposes of Chapter § 32-03.3, an “employee ‘includes’ every present or former officer or employee of the charitable organization or any person acting on behalf of the charitable organization in an official capacity, temporarily or permanently, with or without compensation.”

N.D. Cent. Code § 10-33-47.
Immunity of officers, directors, and trustees of nonprofit organizations.

Directors, officers, or trustees of a nonprofit organization are immune from civil liability for any act or omission resulting in damage or injury if, at the time of the act or omission, all of these conditions are met: 1) they acted in good faith and within the scope of their official duties, 2) they acted without willful conduct or gross negligence, and 3) they did not receive or expect to receive reimbursement for or payment of expenses in excess of \$2,000 dollars per year for expenses actually incurred as a result of providing services as a director, officer, or trustee, and did not receive or expect to receive compensation or anything in lieu of compensation.

N.D. Cent. Code § 10-33-48.
Immunity of volunteers.

A person who provides services or performs duties on a volunteer basis on behalf of a nonprofit corporation is immune from civil liability for any act or omission resulting in damage or injury if, at the time of the act or omission, they 1) acted in good faith and within the scope of their duties as a volunteer for the corporation, and 2) acted without willful conduct or gross negligence. This statute does not grant immunity to liability arising out of the negligent operation of a motor vehicle.

N.D. Cent. Code § 32-03.1-02.
Good Samaritans’ immunity from suits.

Persons or their employer (subject to limited exceptions) who render aid or assistance necessary or helpful in the circumstances to other persons who have been injured or are ill as the result of an accident or illness, or any mechanical, external or organic trauma, are barred from being named as defendants or held liable in any personal injury civil action for acts or omissions arising out of the emergency, unless it is plainly alleged in the complaint and later proven that the Good Samaritan’s acts or omissions constituted intentional misconduct or gross negligence.

N.D. Cent. Code § 32-03.1-02.1.
Emergency obstetrical services immunity

A licensed physician who renders emergency obstetrical care or assistance to a pregnant female in active labor—who has not previously been cared for in connection with the pregnancy by the physician or by another person professionally associated with the physician – and whose medical records are not reasonably available to the physician is not liable in any personal injury civil action for acts or omissions resulting from the rendering of that emergency care or assistance, unless it is plainly alleged in the complaint and later proven that the physician’s acts or omissions constituted intentional misconduct or gross negligence.

This immunity does not extend to a physician who renders emergency obstetrical care or assistance with an expectation of remuneration or a fee.

	<u>N.D. Cent. Code § 32-03.1-02.2.</u> <u>Immunity for a licensed health care provider who provides volunteer medical care at free clinics.</u> A licensed health care provider who renders medical care on a voluntary basis at a free clinic is not liable in any personal injury civil action for acts or omissions resulting in the rendering of that care unless it is plainly alleged in the complaint and later proven that the health care provider’s acts or omissions constituted intentional misconduct or gross negligence. “Voluntary” is defined as “without receiving remuneration of any sort.” “Free clinic” is defined as “a clinic that is established to provide primary health care to persons who are otherwise unable to obtain medical services due to their lack of access to health insurance or medical assistance.” <u>N.D. Cent. Code § 32-03.1-02.3.</u> <u>Automated external defibrillators--Liability limited.</u> An individual who in good faith and without compensation provides training to use an automated external defibrillator, emergency care by using an automated external defibrillator, or emergency treatment by using an automated external defibrillator is immune from civil liability for any personal injury resulting therefrom and for any act or failure to act in providing or arranging further medical treatment if he/she acted as an ordinary, reasonable, prudent person would act under the same or similar circumstances. Personal injury liability from gross negligence or willful or wanton misconduct are not immune.	
OHIO		
Ohio no longer recognizes the common law doctrine of charitable immunity. The charitable organization may be held liable in tort to the same extent as any other organization; however, uncompensated volunteers of nonprofit charitable organizations are generally immune from liability for injury arising from his or her own actions or those of any of the officers, employees, trustees, or other volunteers of the charitable organizations for which the volunteer performs services.	<i>R.C. § 2305.38(A)(1) Definition of charitable organization</i> A charitable organization is defined as (1) any charitable nonprofit corporation that is organized and operated pursuant to Chapter 1702 of the Revised Code (General Corporation Laws), including, but not limited to, any such corporation whose articles of incorporation specify that it is organized and to be operated for an education-related purpose; and (2) any charitable association, group, institution, or society that is not organized and not operated for profit, including, but not limited to, any such association, group, institution, or society that is organized and operated for any education-related purpose. <i>R.C. § 2305.38(A)(5) Definition of volunteer</i> A volunteer is defined as an officer, trustee, or other person who performs services for a charitable organization but does not receive compensation, either directly or indirectly, for those services. <i>R.C. § 2305(B) Volunteer’s liability for acts or omissions of others</i> A volunteer is not liable in damages for injury that arises from the acts or omissions of any of the officers, employees, trustees, or other volunteers unless (1) the volunteer has prior knowledge of the act or omission and actively participates, authorizes, or approves such act or omission or (2) the volunteer ratifies the act or omission after it occurs. <i>R.C. § 2305.38(C)-(D) Volunteer’s liability for his or her own acts or omissions</i>	In 1984, the Ohio Supreme Court abolished the doctrine of charitable immunity in <i>Albritton v. neighborhood Centers Asso. For Child Dev.</i> , 12 Ohio St.3d 210, 466 N.E.2d 867 (1984); <i>see also Byrd v. Faber</i> , 57 Ohio St.3d 56, 565 N.E.2d 584 (1991) (holding that a church may be held liable both for the negligence of its employees who are acting within the scope of their employment as well as for its own negligence).

	A volunteer is not liable in damages in a civil action for injury arising from his or her own actions unless the (1) the volunteer has prior knowledge of the act or omission and actively participates, authorizes, or approves such act or omission or (2) the volunteer ratifies the act or omission after it occurs; or (3) the volunteer’s act or omission constitutes willful or wanton misconduct or intentionally tortious conduct. <i>R.C. 2305.234 Immunity of volunteer health care professionals</i> A volunteer healthcare professional is not liable for injury arising from his or her own act or omission in providing care to an indigent and uninsured person unless the action or omission constitutes willful or wanton misconduct. To qualify for this immunity, the volunteer healthcare professional must (1) determine, in good faith, that the person receiving care is mentally capable of giving informed consent to the provision of care; (2) inform the person receiving care of the volunteer’s immunity from liability; and (3) obtain a written waiver from the person receiving care, which indicates that the person consents to receiving care and has full knowledge that the volunteer is immune from liability. Immunity is not available to volunteer healthcare workers participating in certain procedures such as delivering a baby or those which require deep sedation or are beyond the scope of the training of the volunteer.	
OKLAHOMA		
Oklahoma no longer recognizes the common law concept of charitable immunity. Rather, any such immunity is dependent on statutory law. In that regard, Oklahoma has adopted a Good Samaritan Act, 76 Okla. Stat. §5, which provides immunity to certain persons who render emergency aid to another person in good faith, voluntarily and without compensation. Good Samaritan immunity rests on three elements: 1) the absence of a prior contractual relationship between the rescuer and the injured person; 2) the characterization of the rescuer's act as having been done in good faith, voluntarily and without compensation; and 3) the injured person's apparent need of emergency medical aid. In addition, in 1995, and thereafter, Oklahoma codified statutory law to provide “volunteers” with immunity from liability in certain civil actions. 76 Oka. Stat. §31 et seq. The immunity applies only where the volunteer was acting in good faith and within the scope of his official functions and duties with the charitable organization or not-for-profit corporation and the damage or injury was not caused by gross negligence or willful/wonton misconduct. <i>Id.</i> Nevertheless, despite this immunity provision, the organization itself can be held vicariously liable for the volunteer’s conduct. <i>Id.</i> The immunity provision extends to those who donate or loan “emergency service equipment” to the volunteer. The statute says that the immunity only applies to the volunteer “where all such actions are agreed upon in advance by all involved persons to be provided on a volunteer basis.” 76 Okla. Stat. §31(D)(3). The immunity does not affect the	<i>76 Okla. Stat §5, Good Samaritan Act (excerpt)</i> (1) Where no prior contractual relationship exists, any person licensed to practice any method of treatment of human ailments, disease, pain, injury, deformity, mental or physical condition, or licensed to render services ancillary thereto, including licensed registered and practical nurses, who, under emergency circumstances that suggest the giving of aid is the only alternative to probable death or serious bodily injury, in good faith, voluntarily and without compensation, renders or attempts to render emergency care to an injured person or any person who is in need of immediate medical aid, wherever required, shall not be liable for damages as a result of any acts or omissions except for committing gross negligence or willful or wanton wrongs in rendering the emergency care. (2) Where no prior contractual relationship exists, any person who in good faith renders or attempts to render emergency care consisting of artificial respiration, restoration of breathing, or preventing or retarding the loss of blood, or aiding or restoring heart action or circulation of blood to the victim or victims of an accident or emergency, wherever required, shall not be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care. ... <i>76 Okla. Stat. §31(D)(1), Definition of volunteer</i> The term “volunteer” means a person who enters into a service or undertaking of the person's free will without compensation or expectation of compensation in money or other thing of value in order to provide a service, care, assistance, advice, or other benefit; provided, being legally entitled to receive compensation for the service or undertaking performed shall not preclude a person from being considered a volunteer. <i>76 Okla. Stat §31(D)(2), Definition of “charitable organization”</i>	In Oklahoma, the Oklahoma Supreme Court has long held that “charitable corporations are not immune from liability for torts by reason of any exemption accorded them on the basis of the purposes for which they were incorporated.” <i>Gable v. Salvation Army</i>, 100 P.2d 244 (Okla. 1940). Oklahoma courts have extended this rule to demands for punitive damages, finding that the “not for profit” status of a corporate defendant does not provide said defendant with immunity from punitive damages. <i>Scribner v. Hillcrest Med. Ctr.</i>, 866 P.2d 437, 444 (Okla. Civ. App. 1992). Most of the immunity provisions discussed above have not been the subject of any reported case law. However, the Good Samaritan Act, 76 Okla. Stat. §5, has been applied in a few cases. <i>E.g.</i>, <i>Jackson v. Mercy Health Center, Inc.</i>, 864 P.2d 839 (Okla. 1993) (immunity applied to hospital who rendered aid to person who was a visitor to hospital but injured when he fell from a chair); <i>Gomes v. Hameed</i>, 184 P.3d 479 (Okla. 2008) (immunity provisions of Good Samaritan Act applied in case where doctor attempted to provide care to ER patient with whom he had no contractual relationship); <i>Estate of Youn v. Kula</i>, 125 P.3d 705 (Okla. Civ. App. 2005) (holding psychiatrist who

liability of a person arising out of the operation of a motor vehicle, water craft, or aircraft. 76 Okla. Stat. §31(E). Oklahoma has also enacted the “Volunteer Professional Services Immunity Act.” 76 Okla. Stat. §32. The Act generally provides immunity to volunteer professionals or volunteer health care practitioners where (1) the services were provided at a clinic where the professional or practitioner receives no compensation for any treatment; (2) the professional or practitioner was acting in good faith and within the scope of his license; (3) the professional or practitioner commits the act or omission in the course of providing services; and (4) the professional or practitioner does not act with gross negligence or with willful/wonton misconduct. <i>Id.</i> The Act also contains provisions dealing with patient referral by a volunteer professional, and the immunity provided to the referred volunteer professional/practitioner. The term “volunteer professional” and “voluntary health practitioner” will encompass numerous individuals, including physicians, physician assistants, nurses, pharmacists, podiatrists, dentists, dental hygienists, optometrists, CNAs, chiropractors, dental assistants, dietitians, emergency medical technicians, counselors, social workers, LPNs, therapists, medical assistants, lab technologists, technicians, paramedics, pharmacy technicians, physical therapists, psychologists, respiratory therapists, sonographers, speech/language pathologists, veterinarians, and vet technicians. 76 Okla. Stat. §32(G), (H). Oklahoma has also enacted a special statute dealing with the provision of volunteer health care services by a physician or health care provider at a “secondary school function.” 76 Okla. Stat. §32.1. The health care professional is provided immunity where the professional voluntarily provides medical services to an “injured participant who is in need of immediate medical aid.” <i>Id.</i> The immunity does not apply where the professional acts with gross negligence. <i>Id.</i> Oklahoma has enacted a special statute dealing with emergency services, goods or shelter voluntarily provided pursuant to a request by the local, state or federal government. 76 Okla. Stat. §33. The services, goods or shelter must be voluntarily provided without the expectation or receipt of compensation and must be provided pursuant to a request from the local, state or federal government (1) in preparation for, anticipation of, or during a time of emergency; (2) in a place of emergency, as declared by the Governor; and (3) for the benefit of any person or to prevent, minimize or repair injury or	The term “charitable organization” means any benevolent, philanthropic, patriotic, eleemosynary, educational, social, civic, recreational, religious group or association or any other person performing or purporting to perform acts beneficial to the public. 76 Okla. Stat. §31(D)(3), Definition of “not-for-profit” corporation” The term "not-for-profit corporation" means a corporation formed for a purpose not involving pecuniary gain to its shareholders or members, paying no dividends or other pecuniary remuneration, directly or indirectly, to its shareholders or members as such, and having no capital stock. <i>76 Okla. Stat. §31(A), Immunity provision (“Volunteers”)</i> A. Any volunteer shall be immune from liability in a civil action on the basis of any act or omission of the volunteer 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 duties for a charitable organization or not-for-profit corporation; and (2). The damage or injury was not caused by gross negligence or willful and wanton misconduct by the volunteer. <i>76 Okla. Stat. §32 Volunteer Professional Services Immunity Act.</i> A. This section shall be known and may be cited as the “Volunteer Professional Services Immunity Act”. B. As used in the Volunteer Professional Services Immunity Act, “charitable clinic” means a nonprofit entity organized for the purpose of providing health care services without charge or for a minimal fee. C. Any volunteer professional or volunteer health practitioner and any organization that arranges for the care given by the volunteer professional shall be immune from liability in a civil action on the basis of any act or omission of the volunteer professional or volunteer health practitioner resulting in damage or injury if: 1. The volunteer professional or volunteer health practitioner services were provided at a charitable clinic where the professional or practitioner receives no compensation for any treatment provided at the clinic; 2. The volunteer professional or volunteer health practitioner was acting in good faith and, if licensed, the services provided were within the scope of the license of the volunteer professional or volunteer health practitioner; 3. The volunteer professional or volunteer health practitioner commits the act or omission in the course of providing services; and 4. The damage or injury was not caused by gross negligence or willful and wanton misconduct by the volunteer professional or volunteer health practitioner. <i>76 Okla. Stat. §32.1 Liability for physician or health care provider acting in volunteer capacity.</i> B. Any physician or health care provider providing health care services in a volunteer capacity at a secondary school function in this state who renders or attempts to render care to an injured participant who is in need of immediate medical aid shall not be liable for damages as a result of any acts or omissions except for committing gross negligence or willful or wanton negligence in rendering the emergency care. <i>76 Okla. Stat. §33 Emergency Services and Goods Provided Voluntarily Without Compensation at Request of Government – Civil Immunity.</i> 	provided emergency treatment to patient who later committed suicide was immune from liability for simple negligence under Good Samaritan Act, in malpractice action by patient's estate, given that psychiatrist was called to treat patient by the patient's neighbor, who was also a physician, patient was a stranger who appeared to need immediate help, and psychiatrist had no prior contractual relationship with the patient).
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damage to the property of a person resulting from biological, chemical, or nuclear agents; terrorism; pandemic or infectious disease; catastrophic acts of nature; or other emergencies as declared by the Governor. <i>Id.</i> If those provisions are satisfied, then the person shall not be liable to any person receiving assistance as a result of any act or omission in rendering the service, if the person was acting in “good faith” and the damage was not caused by willful or wanton negligence. <i>Id.</i> The Act contains certain exceptions. <i>Id.</i> Other statutes in Oklahoma recognize some form of civil immunity for voluntary activities, or other types of conduct. <i>E.g.</i>, 76 Okla. Stat. §5.9 (recognizing civil immunity for emergency care rendered during a natural disaster or catastrophic event); 76 Okla. Stat. §5.6 (recognizing immunity for “good faith donation of food” to charitable or non-profit organization); 76 Okla. Stat. §5.7 (recognizing civil immunity for damages related to rendering emergency care “at the scene of an accident or existing or impending disaster involving the use, handling, transportation, transmission or storage of hazardous materials”); 76 Okla. Stat. §5.8 (recognizing civil immunity for licensed architects and professional engineers to voluntarily assist without compensation related to a declared national, state, or local emergency caused by natural disaster or catastrophic event); 76 Okla. Stat. §16.1 (immunity for harm caused by unlawful or criminal entry on property); 76 Okla. Stat. §41 (immunity from liability in certain cases where plaintiff alleges food led to weight gain, obesity or a health condition related to weight gain or obesity)	B. Any person, or any agent of that person, who voluntarily and without the expectation or receipt of compensation provides services, goods or shelter at any place in this state subject to the order or control of, or pursuant to a request of, the state or federal government or any political subdivision thereof: 1. In preparation for, anticipation of, or during a time of emergency; 2. In a place of emergency, as declared by the Governor; and 3. For the benefit of any person or to prevent, minimize, or repair injury or damage to the property of a person resulting from: a. biological, chemical, or nuclear agents, b. terrorism, c. pandemic or epidemic of infectious disease, d. catastrophic acts of nature, including but not limited to fire, flood, earthquake, tornado, wind, storm, or wave action, or e. any other emergency situation as declared by the Governor by executive order under Oklahoma law, shall not be liable to any person receiving assistance as a result of any act or omission in rendering the service if the person was acting in good faith and the damage or injury was not caused by the willful or wanton negligence or misconduct of the person.	
OREGON		
Oregon abolished the common law concept of charitable immunity in <i>Hungerford v. Portland Sanitarium & Benev. Ass’n</i>, 235 Or. 412, 384 P.2d 1009 (1963). Although Oregon courts have retreated from the common-law charitable-immunity doctrine, several statutes create immunities for charities. For example, food gleaners and distributors who donate food to bona fide charitable or nonprofit organizations are immune from civil liability “arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness or intentional conduct of the donor or gleaner.” <i>ORS 30.890</i>. Donors of general merchandise and household items are similarly treated. <i>ORS 30.892</i>.	<i>Oregon Revised Statute. § 30.800(2), Liability</i> for emergency medical assistance, provide that “[n]o person may maintain an action for damages for injury, death or loss that results from acts or omissions of a person while rendering emergency medical assistance unless it is alleged and proved by the complaining party that the person was grossly negligent in rendering the emergency medical assistance.” Under ORS §30,800(1)(a) and (b), “emergency medical assistance” generally means medical or dental care not provided in a place where emergency medical or dental care is regularly available or medical care provided voluntarily in good faith and without expectation of compensation by a physician licensed under ORS chapter 677 or a physician assistant licensed under ORS 677.505. <i>ORS § 30.803(3)</i> provides that “[a] person may not maintain a cause of action for injury, death or loss against a licensed emergency medical services provider who acts as a volunteer without expectation of compensation, based on a claim of negligence unless the person shows that the injury, death or loss resulted from willful and wanton misconduct or intentional act or omission of the emergency medical services provider.” <i>ORS § 30.811</i> provides that a person providing outreach services to homeless individuals is immune from civil liability for all acts and omissions in providing the care if the person has registered as a volunteer with an Oregon non-profit corporation and the services are provided without compensation.	In <i>Hungerford v. Portland Sanitarium & Benev. Ass’n</i>, 235 Or. 412, 384 P.2d 1009 (1963), the Oregon Supreme Court held that “[o]rdinarily, in this state, as in most others, the growth of the law of private wrongs has been by judicial decision. See, e. g., Cowgill, Adm'r v. Boock, Adm'r, 189 Or. 282, 302, 218 P.2d 445, 19 A.L.R.2d 405 (1950) (concurring opinion by Rossman, J.), and Keeton, Creative Continuity in The Law of Torts, 75 Harv. L. Rev. 463 (1962). Tort law in 1963 differs from tort law in 1863 for the most part because of the work of the courts. When courts have recognized the need for remedies for new injuries, the remedies have been found. For example, liability-without-fault is imposed upon carefully conducted but hazardous operations employing explosives, Bedell et ux. v. Goulter et al., 199 Or. 344, 261 P.2d 842 (1953), and upon those employing

	ORS § 30.890 provides that “a gleaner or the good-faith donor of any food, apparently fit for human consumption, to a bona fide charitable or nonprofit organization, including but not limited to a food bank, for distribution without charge or on a scale reflecting ability to pay or only requiring a shared maintenance contribution, shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness or intentional conduct of the donor or gleaner.” ORS § 30.892 provides that “the good-faith donor of any general merchandise or household item, apparently fit for use to a bona fide charitable or nonprofit organization for distribution without charge or on a fee scale reflecting ability to pay, or only requiring a shared maintenance contribution, shall not be subject to criminal penalty or civil damages arising from the condition of the general merchandise or household item, unless an injury is caused by the gross negligence, recklessness or intentional conduct of the donor.”	dangerous aerosols, <i>Loe et ux. v. Lenhardt et al.</i>, 227 Or. 242, 362 P.2d 312 (1961). To the extent permitted by the state constitution, government is now being held responsible for its wrongs. <i>Vendrell v. School District No. 26C et al.</i>, 226 Or. 263, 360 P.2d 282 (1961). We find no continuing reason for adherence to the immunity rule for charities.” In <i>Fearing v. Bucher</i>, 328 Or. 367, 977 P.2d 1163 (1999), the Oregon Supreme Court held that, in the intentional tort context, it usually is inappropriate for the court to base its decision regarding the adequacy of allegations supporting a claim for vicarious liability based on the doctrine of <i>respondeat superior</i> on whether the intentional tort <i>itself</i> was committed in furtherance of any interest of the employer or involved the kind of activity that the employee was hired to perform. The court held that the proper focus rather was whether the complaint contained sufficient allegations of employee conduct that arguably <i>resulted in</i> the acts that led to plaintiff's injury. The court, therefore, concluded that a jury reasonably could infer that the priest's conduct in cultivating a trust relationship with the plaintiff was motivated, at least in part, by a desire to further the interests of the Archdiocese, that that conduct was of a kind that the priest was hired to perform, and that that conduct led to the sexual assaults. Accordingly, the court held that the complaint was sufficient to state a claim for vicarious tort liability based on the doctrine of <i>respondeat superior</i>. (<i>See also, Lourin v. Swensen</i>, 328 Or. 380, 977 P.2d 1157, applying same reasoning to Boy Scout troop leader.)
PENNSYLVANIA		
PLEASE NOTE: there is significant case law dealing with the volunteer protections noted below. If needed, please check with one of Harmonie’s PA member firms for further details and assistance. The PA Supreme Court eliminated charitable immunity in its 1967 decision <i>Nolan v. Tifereth Israel Synagogue, Inc.</i>, 227 A.2d 675 (1967).	83 P.S. § 8332.4, Non-profit volunteer: Any person who, without compensation and as a volunteer, renders services for a non-profit organization or for the Commonwealth or a local government agency sponsoring a public service program is not liable to any person for civil damages resulting from an act or omission of service. Exceptions: The conduct of the volunteer fell substantially below generally accepted standards, and the person did an act or omitted doing an act that the person was under a recognized duty to do and knew this created a substantial risk of harm. Nothing in this act will be construed so as to affect the liability of a volunteer for acts or omissions relating to the transportation of participants in a public service program project. 83 P.S. § 8332.2, Non-profit officer, director or trustee: A person who serves as a director, officer or trustee of a non-profit is not liable for civil damages as a result of acts or omissions relating to the performance to official duties.	The PA Supreme Court eliminated charitable immunity in its 1967 decision <i>Nolan v. Tifereth Israel Synagogue, Inc.</i>, 227 A.2d 675 (1967). However, as noted, there is significant case law dealing with the volunteer protections. If needed, please check with one of Harmonie’s PA member firms for further details and assistance.

Exceptions: The conduct of the volunteer fell substantially below generally accepted standards, and the person did an act or omitted doing an act that the person was under a recognized duty to do and knew this created a substantial risk of harm. Nothing in this section will be construed as affecting the liability of a non-profit association.

83 P.S. § 8331, Medical Good Samaritan: Any medical practitioner who in good faith renders emergency care at the scene of the emergency is not liable for civil damages resulting from an act or omission in rendering the care. **Exceptions:** Acts or omissions intentionally designed to harm, or grossly negligent acts or omissions that result in harm to the person receiving emergency care.

83 P.S. 8331.1, Veterinarian Good Samaritan: A licensed veterinarian in good faith renders emergency care at the scene of the emergency is not liable for civil damages resulting from an act or omission in rendering the care. **Exceptions:** Acts or omissions intentionally designed to harm, or grossly negligent acts or omissions that result in harm to the person receiving emergency care.

83 P.S. 8331.2, Good Samaritan with use of defibrillator: An individual properly trained to use an automatic defibrillator, who in good faith uses an automatic defibrillator in an emergency, is not liable for civil damages resulting from an act or omission in rendering the care. **Exceptions:** Acts or omissions intentionally designed to harm, or grossly negligent acts or omissions that result in harm to the person receiving emergency care.

83 P.S. 8332, Non-medical Good Samaritan: Any person who renders emergency care, first aid or rescue at the scene of an emergency, or moves the person requiring care to a place of medical care is not liable to the person for civil damages as a result of acts or omissions in rendering the care. **Exceptions:** Acts or omissions intentionally designed to harm, or grossly negligent acts or omissions that result in harm to the person receiving emergency care.

83 P.S. § 8332.1, Athletic volunteer: Any person who without compensation volunteers as a manager, coach, instructor, umpire or referee in a sports program of a non-profit association, and the officer of a non-profit organization sponsoring a sports program, is not liable to any person for civil damages resulting from acts or omissions in rendering the service. **Exception:** The conduct of the volunteer or non-profit falls substantially below general standards and it is shown the person or non-profit did an act or omitted an act that they were under a recognized duty to do and knew this would cause a substantial risk of harm.

83 P.S. § 8332.3, Volunteer firefighters: Volunteer firefighters will be treated as public employees under § 8501. This will not be construed to reduce or eliminate any other immunity available to volunteer firefighters under the law.

83 P.S. § 8334, Immunization project volunteers: An uncompensated physician who participates in a mass immunization project approved by the Department of Health is not liable to any person for illness, reaction of adverse effect arising from use of a drug or vaccine. **Exception:** gross negligence.

83 P.S. § 8336, Hazardous material volunteer: Any person who provides services voluntarily and at the request of police, fire rescue squad agent, pertaining to the mitigation of damages resulting from a hazardous material spill, is not liable in civil damages for action or inaction in rendering care or advice. **Exceptions:** The immunity does not apply to any person who is under a legal duty to respond, received compensation, or did not possess or does not provide personnel that possess the needed skill, training or knowledge.

	35 P.S. § 6022.301, Hazardous material emergency volunteer: A volunteer emergency service organization or hazardous material transporter is not liable for deaths, injury, property loss or environmental damage resulting from response to a hazardous material release. Exceptions: Acts or omissions that constitute gross negligence or willful misconduct. 83 P.S. § 8338, Food donation volunteer: A person is not subject to civil or criminal liability from the condition of food apparently fit for human consumption that they donated in good faith to a non-profit organization for ultimate free distribution to the needy. Exception: this section does not apply to an injury or death that results from an act or omission of the donor constituting gross negligence, recklessness or intentional misconduct. 35 P.S. § 449.47, Volunteer license: A volunteer who holds a license in good faith renders professional healthcare services for the —Volunteer Health Services Act is not liable for civil damages arising as a result of any act or omission in the rendering of care. Exception: the conduct of the volunteer or non-profit falls substantially below general standards and it is shown the person or non-profit did an act or omitted an act that they were under a recognized duty to do and knew this would cause a substantial risk of harm. This section does not apply unless the approved clinic posts an explanation of the exemptions from liability in a conspicuous place. This section does not apply to institutional health care providers, such as hospitals or clinics, who are subject to vicarious liability for the conduct of the volunteer license holder. 71 P.S. § 1340.310, Department of Conservation and Natural Resources volunteer: A volunteer authorized by the Secretary of the Department of Conservation and Natural Resources is not deemed to be a Commonwealth employee except as stipulated in this act. Volunteers performing work under the terms of this Act are authorized to operate Commonwealth vehicles and will be treated as employees for the Commonwealth for the purposes of general and automotive liability. 35 P.S. 780-113.7, Drug Overdose Response Immunity: A person who assists a person experiencing a drug overdose cannot be criminally charged and is immune from prosecution in either of the following instances: 1. The person transported a person experiencing a drug overdose to a law enforcement agency, campus security office or health care facility and law enforcement only became aware of the incident and of certain criminal offenses because of that person’s assistance; 2. The person reported the drug overdose in good faith to law enforcement AND the person provided their name and location to law enforcement AND the person remained with the person needing medical attention until law enforcement arrived.	
RHODE ISLAND		
Rhode Island has abolished the Charitable Immunity as a common law doctrine. <u>See Hodge v. Osteopathic General Hosp.</u> , 265 A.2d 733 (R.I. 1970).	<u>R.I. Gen. Laws § 7-6-9 (Non-profit Volunteer and Director)</u> A person serving without compensation as a volunteer, director, officer or trustee of a nonprofit corporation, unincorporated non-profit organization, or an unincorporated public charitable institution is not liable to any person based solely on conduct executed in duty. Exception include conduct constituted malicious, willful or wanton misconduct. Officers, directors, agents, servants, volunteers and employees of a corporation are not liable for bodily injury suffered by anyone in an athletic or sports competition sponsored by the corporation. This applies if the person has signed a proper waiver of liability, or the parent has signed in the case of a minor. <u>R.I. Gen. Stat. § 9-1-27 (Good Samaritan)</u> A member of a volunteer fire company, rescue squad, ambulance association, and any person properly certified by the	For an overview of Rhode Island Law pertaining to charitable immunity, please <u>see Boccasile v. Cajun Music Ltd.</u> , 694 A.2d 686 (R.I. 1997); <u>Hodge v. Osteopathic General Hosp.</u> , 265 A.2d 733 (R.I. 1970).

	American Heart Association or the American National Red Cross who voluntarily and without compensation renders emergency assistance to a person in need, is not liable for civil damages for personal injuries that result from acts or omissions in rendering care. Exceptions include immunity does not apply to acts constituting gross, willful, or wanton negligence. <u><i>R.I. Gen. Stat § 9-1-34 (CPR or Defibrillator—Good Samaritan)</i></u> A properly trained person, acting in official capacity or as a volunteer, who renders emergency CPR assistance or automatic external defibrillator assistance without compensation is not liable for civil damages for personal injuries that result from acts or omissions in rendering care. Exceptions include immunity does not apply to acts that constitute gross, willful, or wanton negligence. <u><i>R.I. Gen. Stat § 9-1-27.2 (Court-appointed Special Advocate Volunteer)</i></u> The state will protect and hold harmless a court appointed special advocate from financial loss, including legal costs that may arise from a damages suit resulting from acts or omissions of the volunteer’s duties that may constitute negligence. Exceptions include acts which are wanton, malicious, or grossly negligent. <u><i>R.I. Gen. Stat. § 9-1-48 (Athletic Volunteer)</i></u> Any person who volunteers without compensation as a manager, coach, instructor, umpire, referee or official or who volunteers to assist one in a youth sports program organized under a non-profit corporation is liable to any person for civil damages resulting from acts or omissions in rendering service. A director, trustee, officer or employee of a non-profit which organizes, sponsors or conducts a youth sports program is not liable for acts or omissions in the organization, conduct or sponsorship of the youth sports program. Exceptions include the acts or omissions were committed in willful, wanton or reckless disregard for the safety of the participants in the youth sports program. <u><i>R.I. Gen. Stat. § 16-19-10 (School Volunteer)</i></u> School volunteers are immune from civil or criminal liability in connection with notice to parents of a pupil’s absence from school or failure to give notice. <u><i>R.I. Gen. Stat. § 30-15-15 (Emergency Management Volunteer)</i></u> An emergency management volunteer is not liable for death, injury or property damage as a result of disaster response activity. <u><i>R.I. Gen. Stat. § 42-73-11 (Indemnification for Child Advocate Volunteers)</i></u> The state will protect and hold harmless a volunteer appointed by the child advocate from financial loss, including legal costs that may arise from a damages suit resulting from acts or omissions of the volunteer’s duties that may constitute negligence. Exceptions include acts which are wanton, malicious, or grossly negligent. <u><i>R.I. Gen. Stat. § 42-73-11 (Indemnification for Human Rights Committee Volunteer)</i></u> The state will protect and hold harmless a volunteer member of a human rights committee from financial loss, including legal costs that may arise from a damages suit resulting from acts or omissions of the volunteer’s duties that may constitute negligence. Exceptions include acts which are wanton, malicious, or grossly negligent. <u><i>R.I. Gen. Stat. § 40.1-26-6.1 Human Rights Committee Volunteer</i></u> A member of a human rights committee acting in good faith has immunity from civil or criminal liability that might be incurred in the performance of volunteer activities. The volunteer will not be made to answer in court for personal	
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	participation as a volunteer member of a human rights committee. <u><i>R.I. Gen. Statute § 45-57-12 (Winnisimet Farm Road District Volunteer)</i></u> A person serving without compensation as a director, officer, or volunteer of the Winnisimet Farm Road district is not liable to any person based solely on conduct in execution of official duties. Exceptions include conduct that is constituted as malicious, willful, or wanton misconduct.	
SOUTH CAROLINA		
South Carolina has abolished Charitable Immunity as a common law doctrine. However, the statutes below outline the amounts recoverable against a charitable entity based on caps included in the South Carolina Tort Claims Act. <i>See</i> S.C. Code Ann. § 33-56-180; <i>see also</i> S.C. Code Ann. § 15-78-120 (setting caps). Another statute, contained within South Carolina’s Nonprofit Corporation Act, provides immunity for members, trustees, and directors of not-for-profit corporations, associations, cooperatives, and organizations unless there is willful or wanton conduct or gross negligence (though the same statute notes that this immunity does not extend to the actual organizations). S.C. Code. Ann. § 33-31-834.	<u>SECTION 33-56-180. Limitation of liability for injury or death caused by employee of charitable organization.</u> When an employee causes an injury and is within the scope of their employment by a charitable organization, the injured person or decedent may recover actual damages from the charitable organization up to the limit set by the South Carolina Tort Claims Act. Permitting such actions against the charitable organization works as a complete bar to any recovery against the employee, unless that employee was acting in a reckless, willful, or grossly negligent manner. <u>SECTION 33-56-170. Definitions of "charitable organization" and "employee" for purposes of Section 33-56-180.</u> For purposes of Section 33-56-180, “charitable organizations” are any entity exempt from taxation under 26 U.S.C. § 501(c)(3) or 501(d) and “employees” are agents, servants, employees, or officers. <u>SECTION 15-78-120. Limitation on liability; prohibition against recovery of punitive or exemplary damages or prejudgment interest; signature of attorney on pleadings, motions, or other papers.</u> For any action to which the S.C. Tort Claims Act applies, no person can recover more than \$300,000 in any action or claim irrespective of the number of agencies or political entities involved (there is an exception raising the limit on claims against a governmental entity employing a physician or dentist to \$1.2 million). The total amount recovered out of a single occurrence cannot exceed \$600,000 (unless the tort was caused by a dentist or physician employed by an entity, in which case the limit is \$1.2 million). <u>SECTION 33-31-834. Immunity from suit.</u> All directors, trustees, or members of governing bodies of any cooperative, corporation, association, or organization are immune from suits of the affairs of their entity. This immunity does not apply when there is willful or wanton conduct or gross negligence. This does not grant immunity to the actual entities. <u>SECTION 40-3-325. Architect immunity.</u> Licensed architects under this chapter are immune from volunteer architecture services provided during an emergency in the same manner as a licensed engineer would be. <u>SECTION 63-7-400. Department of Social Services immunity from liability.</u> Employees, volunteers, officials or contractors of the Department of Social Services who are required or authorized to perform functions related to child protection or welfare are immune from civil or criminal liability provided the acts or omissions are in the scope of official duties and not reckless, willful, or grossly negligent. This immunity is cumulative to that afforded under the S.C. Tort Claims Act. <u>SECTION 8-25-40. Mileage, meal allowance, and liability insurance; protection of sovereign immunity.</u> Volunteers in state service are protected to the same extent as a State employee.	“Reckless, willful, or grossly negligent conduct by employee of charitable organization must be established for that employee to be individually liable.” <u>Brown v. Pearson</u>, 326 S.C. 409, 483 S.E.2d 477 (Ct. App. 1997)

	SECTION 33-31-202. Articles of incorporation. Unless articles of incorporation provide otherwise, no director of a not-for-profit corporation is personally liable for money damages to the corporation or the members. This does not include, breach of duty of loyalty, bad faith action or intentional misconduct, or any transaction for improper personal gain.	
SOUTH DAKOTA		
South Dakota recognizes the common law concept of charitable immunity. Charitable immunity is not a favored doctrine, and is liable to be rejected. There are multiple cases wherein the South Dakota Supreme Court notes that the majority of jurisdictions have rejected the doctrine. Statutory immunity exists for emergency responders and medical professionals, with exception.	<i>SDCL 58-23-3. Tort liability of charitable institution--Insurer estopped from asserting charitable immunity defense</i> Each policy issued to cover the liability of any charitable institution for negligence or any other tort shall contain a provision to the effect that the insurer shall be estopped from asserting, as a defense to any claim covered by said policy, that such institution is immune from liability on the ground that it is a charitable institution. <i>SDCL 20-9-45. Immunity from liability for nonprofit fire, ambulance, or search and rescue entity and its volunteer officers and directors</i> A nonprofit fire, ambulance, or search and rescue entity organized or incorporated in the State of South Dakota and its volunteer officers and directors are immune from civil liability for 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 individual was acting in good faith and within the scope of such individual's official functions and duties for the nonprofit organization or corporation; and (2) The damage or injury was not caused by gross negligence or willful and wanton misconduct by such individual. <i>SDCL 20-9-4.1. Immunity from liability for emergency care--Exception</i> No peace officer, conservation officer, member of any fire department, police department and their first aid, rescue or emergency squad, or any citizen acting as such as a volunteer, or any other person is liable for any civil damages as a result of their acts of commission or omission arising out of and in the course of their rendering in good faith, any emergency care and services during an emergency which is in their judgment indicated and necessary at the time. Such relief from liability for civil damages extends to the operation of any motor vehicle in connection with any such care or services. Nothing in this section grants any relief to any person causing any damage by his willful, wanton or reckless act of commission or omission. <i>55-4-29. Existing law as to charitable immunity not changed by law as to tort liability of trust estate</i> Nothing in §§ 55-4-25 to 55-4-28, inclusive, shall be construed to change the existing law with regard to the liability of trustees of charitable trusts for torts of themselves or their employees.	The Supreme Court of South Dakota held that a volunteer fire fighter driving to the fire hall in a personal vehicle in response to an emergency call was rendering emergency care or services within meaning of Good Samaritan statute. <i>In re Certification of a Question of Law from United States Dist. Court, Dist. of S. Dakota, S. Div.</i>, 2010 S.D. 16, 779 N.W.2d 158; <i>See also</i> SDCL 20-9-4.1.
TENNESSEE		
The immunities available to charities (and employees and board members of charities) are statutory and noted in this entry.	In Tennessee, the immunities available to charities (and employees and board members of charities) are statutory. In discussing the statutory exceptions from execution upon a judgment and tort the courts have recognized that the property of a charitable trust used exclusively for carrying on one or more such charitable purposes is immune from execution under judgment for tort. However, property not so used is still subject to execution. <i>Anderson v. Armstrong</i>, 171 S.W.2d 401 (Tennessee 1943). As noted above, Tennessee Code Annotated 29-34-204 states that if a philanthropic individual, cooperative, corporation, club, association or organization supplies only financial sponsorship or support for another entity's charitable fundraising event and is not in any way involved in the management, organization, planning and execution of such event, and if the entity managing, planning or organizing such charitable fundraising event provides liability insurance in the amount of not less than \$1,000,000 for any single occurrence and \$3,000,000 for all occurrences, then	In discussing the statutory exceptions from execution upon a judgment and tort the courts have recognized that the property of a charitable trust used exclusively for carrying on one or more such charitable purposes is immune from execution under judgment for tort. However, property not so used is still subject to execution. <i>Anderson v. Armstrong</i>, 171 S.W.2d 401 (Tennessee 1943).

	such individual, cooperative, corporation, club, association, organization or director shall not be liable for any personal injury or damage to property arising from the other entity’s charitable fundraising event. However, if such financial sponsorship or financial support constitutes willful, wanton or gross negligence then the immunity does not apply. Tennessee Code Annotated 48-58-601 provides a measure of immunity from actions for breach of fiduciary duty by directors or officers of non-profit boards. Section (c) provides that directors, trustees or members of governing bodies of non-profit cooperatives, corporations, clubs, associations and organizations, whether compensated or not, shall be immune from suit arising from the conduct of affairs of such cooperatives, corporations, clubs, associations or organizations. The immunity does not apply for conduct amounting to willful, wanton or gross negligence. Tennessee also has a Good Samaritan law found at Tenn. Code 63-6-218. This applies to individuals who are licensed to practice medicine and surgery, but also includes persons licensed or certified to render service ancillary thereto and any member of volunteer first aid, rescue, or emergency squad that provides emergency public first aid and rescue services who, in good faith, render emergency care at the scene of an accident or disaster or while in route to such a scene. Other immunities for persons and activities not directly related to churches, may be found at the Tennessee listing for the publication called “State Liability Laws for Charitable Organizations a Volunteers” published by the Non-Profit Risk Management Center, published in 2001 and updated in 2009, which is available on request.	
TEXAS		
The State of Texas finds that robust, active, bona fide, and well-supported charitable organizations are needed within Texas to perform essential and needed services. The willingness of volunteers to offer their services to these organizations is deterred by the perception of personal liability arising out of the services rendered to these organizations, and because of these concerns over personal liability, volunteers are withdrawing from services in all capacities. The citizens of this state have an overriding interest in the continued and increased delivery of these services.	Charitable immunity in Texas is controlled by the Charitable Immunity and Liability Act of 1987 (“The Act”). Tex. Civ. Prac. & Rem. Code Ann. § 84.001. https://statutes.capitol.texas.gov/Docs/CP/htm/CP.84.htm The Act applies to most 501(c)(3) and 501(c)(4) organizations, homeowner associations, and other similarly situated organizations as described within the statute. While The Act does not shield charitable organizations and their employees from liability, it provides protection to organizations and their employees by limiting liability for money damages in civil actions to \$500,000 for each person and \$1,000,000 for each single occurrence of bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property. Acts or omissions of an organization’s employee are protected by The Act if the employee was acting within the course and scope of his or her employment. Tex. Civ. Prac. & Rem. Code Ann. § 84.005. The Act provides even more protection for volunteers. A volunteer of a charitable organization is immune from civil liability for any act or omission resulting in death, damage, or injury if the volunteer was acting in the course and scope of the volunteer's duties or functions, including as an officer, director, or trustee within the organization. Tex. Civ. Prac. & Rem. Code Ann. § 84.004. “Volunteer” means a person rendering services for or on behalf of a charitable organization who does not receive compensation in excess of reimbursement for expenses incurred. The term includes a person serving as a director, officer, trustee, or direct service volunteer, including a volunteer health care provider. “Employee” means any person, including an officer or director, who is in the paid service of a charitable organization, but does not include an independent contractor. The Act does not apply to an act or omission that is intentional, willfully negligent, or done with conscious indifference or reckless disregard for the safety of others and does not limit the liability of an organization or its employees or	For purposes of immunity under the Texas Charitable Immunity and Liability Act, a person is acting within the scope of his authority if he is discharging the duties generally assigned to him even if the specific act is wrong or negligent. <i>Brown v. Hensley</i> (App. 14 Dist. 2017) 515 S.W.3d 442. Volunteer head coach of girls softball team was not grossly negligent when bat slipped from his hand during a softball drill and struck assistant coach in the face, and thus head coach was entitled to immunity as a volunteer of a charitable organization; head coach was hitting ground balls in a routine way, and the incident was purely accidental. <i>Chrismon v. Brown</i> (App. 14 Dist. 2007) 246 S.W.3d 102. For purposes of exception to statutory immunity for a volunteer of a charitable organization, a finding that an act or omission is “willfully negligent” or done with “conscious indifference” or “reckless disregard” for the safety of others requires a showing of “gross negligence,” i.e., an act or omission: (1) which, when viewed objectively from the standpoint of the actor at the time of occurrence, involves an extreme degree of risk, considering the probability and

	volunteers if the organization was formed substantially to limit its liability under this chapter. Tex. Civ. Prac. & Rem. Code Ann. § 84.007.	magnitude of the potential harm to others; and (2) of which the actor has actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others. <i>Chrismon v. Brown</i> (App. 14 Dist. 2007) 246 S.W.3d 102.
UTAH		
After several decades of indecision, Utah abolished charitable immunity for tort liability in 1938, finding no reason that a charitable organization should be immune from suit for the clear negligence of its employees resulting in the injury of a paying client. <i>Sessions v. Thomas D. Dee Mem'l Hosp. Ass'n</i>, 94 Utah 460, 78 P.2d 645, 651 (1938). More recent decisions have confirmed that <i>Session's</i> reasoning, while narrow at first glance, broadly eliminated tort immunity for charitable organizations all together. <i>See</i> Craftsman Builder's Supply, Inc. v. Butler Mfg. Co., 1999 UT 18, ¶ 77, 974 P.2d 1194, 1216; <i>DeBry v. Noble</i>, 889 P.2d 428, 436 (Utah 1995). Utah has several statutes which provide immunity for certain charitable activities, but otherwise charitable immunity is not available in Utah.	There are no statutes in Utah regarding charitable immunity in the broad traditional sense. Instead, Utah limits liability in select circumstances, several of which could be considered charitable. Utah limits liability for both non-profit volunteers and charitable organizations for the good faith acts of non-profit volunteers. <i>See</i> Utah Code Ann. § 78B-4-102 et seq. Good Samaritans which, in good faith, render emergency care to rescue or save another is not liable for such conduct. <i>See</i> Utah Code Ann. § 78B-4-501. Organizations and individuals which provide shelter for transients are also shielded from liability arising from the use of their services. <i>See</i> Utah Code Ann. § 78B-4-503. Individuals which donate apparently wholesome food are protected from liability arising from the condition of the food. <i>See</i> Utah Code Ann. § 78B-4-502. Health care providers are not liable for defective drugs that are donated to those in need in good faith. <i>See</i> Utah Code Ann. § 78B-4-504. Furthermore, government volunteers are considered government employees for immunity purposes. <i>See</i> Utah Code Ann. § 67-20-3. Volunteer health practitioners that offer emergency aid are shielded from liability as well. <i>See</i> Utah Code Ann. § 58-13-2. In sum, Utah has numerous specific immunity carve outs (such as tort immunities for hockey facilities for injuries received from hockey pucks, <i>See</i> Utah Code Ann. § 78B-4-508), but only the ones listed above could be described as “charitable.”	Utah abolished charitable immunity in <i>Sessions v. Thomas D. Dee Mem'l Hosp. Ass'n</i>, 94 Utah 460, 78 P.2d 645, 651 (1938). Here, a small boy admitted into a charitable hospital was inadvertently injected with a lethal dose of morphine after a nurse mistakenly grabbed the wrong vial from the medicine closet. <i>Id. at</i> 647. The hospital raised charitable immunity to dismiss the resulting complaint, but the Court found no reason to apply charitable immunity under Utah law, particularly when the boy was a paying patient. <i>Id.</i> at 650. (“Neither constitutional nor statutory provisions exempt a charity from liability for negligent conduct.”) The court finally concluded “[a] charity is held not to be immune for negligence of its servants” while a concurring opinion and dissent disagreed on whether this holding was broad or narrow. <i>Id.</i> at 653-656. Shortly thereafter, a federal court analyzed <i>Sessions'</i> reasoning and concluded “Under the rule announced in the Session case, supra, no exceptions or immunities are granted to organizations of this [charitable] character.” <i>Brigham Young Univ. v. Lillywhite</i>, 118 F.2d 836, 842–43 (10th Cir. 1941). Much more recently, the Utah Supreme Court confirmed in passing that <i>Session's</i> holding broadly abolished charitable immunity all together. <i>See</i> Craftsman Builder's Supply, Inc. v. Butler Mfg. Co., 1999 UT 18, ¶ 77, 974 P.2d 1194, 1216 (“[T]his Court... abolished tort immunity for charities”); <i>DeBry v. Noble</i>, 889 P.2d 428, 436 (Utah 1995) (“tort immunity for charities abolished [in <i>Sessions</i>]”).
VERMONT		
Vermont is one of a few states with no statute or common law providing for charitable immunity. The Vermont Supreme Court examined this in <i>Foster v. Roman Catholic Diocese of Vermont</i> (116 Vt. 124, 70 A.2d230 (1950)). The <i>Foster</i> court found that the “liability	A number of statutes, however, do address volunteers, including non-profit volunteers. For example, 12 V.S.A. § 5781 provides personal immunity to an <u>unpaid</u> director, officer, or trustee of a nonprofit organization for “any act or omission within the scope of the person’s official functions or duties which is done in good faith, unless it constitutes gross negligence or an intentional tort; however, this subdivision shall not protect a person from liability for damages	

of private charities for injuries has never, to our knowledge, been passed upon by this Court and we have no statute in regard to it.” After examining various legal theories, the Court held that under Vermont law, none provide a basis for charitable immunity. The Vermont Supreme Court has since affirmed its holding in <i>Foster</i>. <i>See, e.g., Hay v. Med. Ctr. Hosp. of Vermont</i>, 145 Vt. 533, 543, 496 A.2d 939, 945 (1985); <i>Wolfe v. Yudichak</i>, 153 Vt. 235, 241, 571 A.2d 592, 596 (1989); <i>Buxton v. Springfield Lodge No. 679, Loyal Ord. of Moose, Inc.</i>, 2014 VT 52, n. 4, 196 Vt. 486, 99 A.3d 171.	which result from the operation of a motor vehicle.” This provision also provides immunity to an <u>unpaid</u> director, officer, or trustee of a nonprofit organization for acts and omissions of an employee of the nonprofit or another director, officer, or trustee. Other statutes protect library employees (12 V.S.A. § 5782); good faith donors of any canned or perishable food or farm products to a bona fide charitable or nonprofit organization for free distribution (12 V.S.A. § 5762); a person “who provides emergency assistance or advice in mitigating or attempting to mitigate the effects of an actual or threatened accidental discharge of hazardous materials, or in preventing, containing, or cleaning up or in attempting to prevent, contain, or clean up any such discharge” (12 V.S.A. § 5783); a “person who forcibly enters a motor vehicle for the purpose of removing a child or animal from the motor vehicle” to avoid “imminent danger of harm” (12 V.S.A. § 5784); a volunteer who “conducts or assists at a nonprofit public clinic for inoculating domestic pets, wolf-hybrids, and domestic animals against rabies” (20 V.S.A. § 3812); a “person who provides reasonable assistance” to another “exposed to grave physical harm” unless their acts constitute gross negligence or if they received, or expect to receive, compensation, noting that Vermont law affirmatively requires a person to provide assistance in such a situation (12 V.S.A. § 519(b)); and a person who is not a health care provider or emergency medical personnel, as defined by statute, “who acts in good faith and who renders emergency care by the use of an [automated external defibrillator, or] AED, acquires an AED, owns a premises on which an AED is located, or provides a training course in the operation of an AED ... unless those acts or omissions were grossly negligent or willful and wanton,” provided however, that this does “not relieve an AED manufacturer, designer, developer, distributor, installer, or seller of any liability” (18 V.S.A § 907(d)(1).	
VIRGINIA		
The doctrine of charitable immunity “is firmly embedded in the law of this Commonwealth and has become a part of the general public policy of the State.” <i>Ola v. YMCA of South Hampton Roads, Inc.</i>, 270 Va. 550 (2005). The doctrine is “grounded in the public policy that the resources of charitable institutions are better used to further the institution’s charitable purposes, than to pay tort claims lodged by the charity’s beneficiaries.” <i>Id.</i> at 556. Charitable immunity applies only to claims of negligence asserted by those who accept the charitable institution’s benefits. “A charitable institution is not immune from liability to invitees or strangers with no beneficial relationship to the institution.” <i>Univ. of Va. Health Services Foundation v. Morris</i>, 275 Va. 319, 331 (2008). A charitable institution is immune from liability to beneficiaries for acts of ordinary negligence by its servants or agents, but may be liable for ordinary negligence in the selection and retention of its servants or agents. <i>Id.</i> A charitable institution is not immune for acts of gross negligence or willful or wanton negligence, as “such conduct can never be characterized as an attempt ... to carry out the mission of the charity to serve its beneficiaries.” <i>Id.</i> (quoting <i>Cowan v. Hospice Support Care, Inc.</i>, 268 Va. 482, 488 (2004)). In addition to the common law doctrine of sovereign immunity, numerous Virginia statutes provide immunity to various types of volunteers.	There are numerous statutes addressing volunteer immunity in Virginia. <i>See generally, Va. Code Ann.</i>, Title 8.01. Some pertinent examples are: <i>Va. Code Ann. § 8.01-220.1:1</i> – Provides immunity to directors, partners, members, managers, trustees and officers of organizations exempt from income taxation under § 501(c) or § 528 of the Internal Revenue Code who serve without compensation under specific circumstances. <i>Va. Code Ann. § 8.01-220.1:2</i> – Provides immunity to school volunteers for any civil damages arising from the prompt good faith reporting of alleged acts of bullying or crimes against others to the appropriate school official in compliance with procedure and with Virginia law. <i>Va. Code Ann. § 8.01-225</i> – Provides immunity to persons rendering emergency care and emergency obstetrical services. <i>Va. Code Ann. § 8.01-225.01</i> – Provides immunity to health care providers during disasters under specific circumstances. <i>Va. Code Ann. § 8.01-225.03</i> – Provides immunity to certain hospices, home care organizations, private providers, assisted living facilities, and adult day care centers during a disaster under specific circumstances. <i>Va. Code Ann. § 8.01-225.1</i> – Provides immunity to team physicians. <i>Va. Code Ann. § 8.01-225.2</i> – Provides immunity to persons rendering emergency care to animals. <i>Va. Code Ann. § 8.01-225.3</i> – Provides immunity to volunteer first responders en route to an emergency.	<i>Ola v. YMCA of South Hampton Roads, Inc.</i>, 270 Va. 550 (2005) contains an in-depth analysis of the doctrine of charitable immunity, including a discussion of the ten-factor test the Supreme Court of Virginia utilizes to determine whether an organization operates as a charity so as to entitle it to immunity. <i>Byrd Theatre Foundation v. Barnett</i>, 287 Va. 291 (2014) is the Supreme Court of Virginia’s most recent case discussing the doctrine of charitable immunity.

	<i>Va. Code Ann. § 8.01-226.4</i> – Provides immunity to hospice volunteers <i>Va. Code Ann. § 8.01-226.</i> – Provides immunity to public and nonprofit corporation officials and private volunteers participating in certain programs for probationers. <i>Va. Code Ann. § 44-146.23</i> – Provides immunity to a wide spectrum of individuals engaged in emergency services and disaster relief.	
WASHINGTON		
Washington abolished the common law concept of charitable immunity. <i>Friend v. Cove Methodist Church, Inc.</i> , 65 Wn.2d 174, 396 P.2d 546 (1964). Washington law on immunity for volunteers of non-profit organizations, medical or emergency services, dispute resolution centers, at-risk children’s programs, community corrections centers, or volunteer architects and engineers is codified in various state statutes.	Revised Code of Washington (“RCW”) 4.24.264 – Boards of directors or officers of nonprofit corporations—Liability—Limitations. A member of the board of directors or an officer of any nonprofit corporation is not individually liable for any discretionary decision or failure to make a discretionary decision within his or her official capacity as director or officer unless the decision or failure to decide constitutes gross negligence. This statute does not affect the duties or liabilities of a director or officer of a corporation to the corporation or the corporation's members. RCW 4.24.300 – Immunity from liability for certain types of medical care. Any person, including a volunteer provider of emergency or medical services, who without compensation renders emergency care at the scene of an emergency or who assists in transporting an injured person for medical treatment is not liable for civil damages resulting from care rendered. Any acts or omissions constituting gross negligence or willful or wanton misconduct is exempted from the statute. Also, a person rendering emergency care as part of their employment or for compensation is excluded from the liability protection in this section. RCW 4.24.310 – Persons rendering emergency care or transportation—Definitions. For the purposes of RCW 4.24.300 the following words and phrases shall have the following meanings unless the context clearly requires otherwise: (1) "Compensation" has its ordinary meaning but does not include: Nominal payments, reimbursement for expenses, or pension benefits; payments made to volunteer part-time and volunteer on-call personnel of fire departments, fire districts, ambulance districts, police departments, or any emergency response organizations; or any payment to a person employed as a transit operator who is paid for his or her regular work, which work does not routinely include providing emergency care or emergency transportation. (2) "Emergency care" means care, first aid, treatment, or assistance rendered to the injured person in need of immediate medical attention and includes providing or arranging for further medical treatment or care for the injured person. Except with respect to the injured person or persons being transported for further medical treatment or care, the immunity granted by RCW 4.24.300 does not apply to the negligent operation of any motor vehicle. (3) "Scene of an emergency" means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action.	As stated above, Washington abolished common law charitable immunity. <i>Friend v. Cove Methodist Church, Inc.</i> , 65 Wn.2d 174, 396 P.2d 546 (1964). The statutes referenced above incorporate the remaining immunities available to volunteers of charitable organizations. There are various cases discussing the exceptions to the immunity, <i>i.e.</i> , gross negligence and willful and wanton conduct.

	RCW 7.75.100 – Dispute resolution center volunteers Volunteers of a dispute resolution center are immune from suit in any civil action for official acts performed as a volunteer. Acts or omissions constituting willful or wanton conduct is exempted from the statute. RCW 43.150.080 – Volunteers for at-risk-children programs A volunteer organization or a volunteer serving at-risk-children is not liable for civil damages resulting from an act or omission arising from volunteer activities that comply with stipulated safety standards. Acts or omissions constituting willful or wanton conduct is exempted from the statute. RCW 72.09.320 – Community corrections volunteers Volunteers who assist community corrections officers are not liable for civil damages arising from an act or omission of community placement activities unless the decision or failure to decide constitutes gross negligence RCW 38.52.195 – Architect and engineer volunteers A volunteer architect or engineer serving as a voluntary emergency worker is provided an exemption from liability which only applies where all of the following conditions occur: (1) Where, at the time of the incident the worker is performing services as an emergency worker, and is acting within the course of his or her duties as an emergency worker; (2) Where, at the time of the injury, loss, or damage, the organization for emergency management which the worker is assisting is an approved organization for emergency management; (3) Where the injury, loss, or damage is proximately caused by his or her service either with or without negligence as an emergency worker; (4) Where the injury, loss, or damage is not caused by the intoxication of the worker; and (5) Where the injury, loss, or damage is not due to willful misconduct or gross negligence on the part of a worker.	
WEST VIRGINIA		
West Virginia no longer recognizes the common law concept of charitable immunity. Rather, West Virginia law on immunity for volunteers of non-profit organizations is now codified in 55-7C-3. West Virginia law also grants immunity to emergency volunteers, physicians with volunteer medical licenses, physician volunteers at athletic games, and a handful of other specific volunteer scenarios detailed in the next column.	W. Va. Code § 55-7C-3, Volunteer-organization directors A qualified director is not personally liable for negligence, either through act or omission, actual or imputed, in the official performance of duties on behalf of a volunteer organization or entity. Exceptions: gross negligence. A volunteer organization or entity is not relieved from liability for the negligent acts of a director committed within the scope of the director’s official duties. Nothing in this section will be construed to grant immunity to a person who causes damage through the operation of a motor vehicle. W. Va. Code § 30-3-10a, Volunteer medical license A physician with a volunteer license who renders medical service to needy patients of a clinic organized at least partly for the delivery of free health care is immune from liability for any civil action arising from an act or omission of service.	West Virginia law on charitable immunity began to change in the 1960s when the West Virginia Supreme Court rejected the traditional view of charitable immunity. The notable case abandoning charitable immunity <i>Adkins v. St. Francis Hosp.</i> , 143 S.E.2d 154 (W. Va. 1965). The statutes referenced above incorporate the remaining immunities available to volunteers of charitable organizations.

	Exceptions: gross negligence or willful misconduct. There must be a written agreement of liability between the physician and the clinic. The clinic must maintain insurance coverage of at least one million dollars. W. Va. Code § 55-7-19, Physician volunteers at athletic games Any person licensed to practice medicine and surgery who acts in the capacity of a team physician at an athletic event sponsored by a public or private elementary or secondary school, and agrees prior to the game to provide emergency care without compensation, is not liable for civil damages as a result of rendering such care. Exceptions: acts or omissions that constitute gross negligence. W. Va. Code § 15-5-11, Emergency volunteer Qualified emergency service workers, including volunteers, who comply with rules and provisions are not liable for death, injury or damage to property as a result of their emergency activities. Exceptions: gross negligence. W.Va. Code § 9-8-2, Food donation volunteers A person who makes a good faith donation of prepared or perishable food that appears to be fit for human consumption to a charitable or non-profit organization is not liable for damages in civil or criminal action for injury or death due to the condition of the food. Exceptions: the injury or death is a direct result of gross negligence, recklessness or intentional misconduct of the donor. A charitable or non-profit organization, or an employee, officer or volunteer who in good faith receives or distributes food for free that appears to be fit for human consumption is not liable for damages in civil or criminal action for injury or death due to the condition of the food. Exceptions: the injury or death is a direct result of gross negligence, recklessness or intentional misconduct of the organization, employee, officer or volunteer. W.Va. Code § 15-5L-16, Ombudsman volunteers Long-term care ombudsman volunteers who perform official duties in good faith are immune from civil liability that might otherwise result. Exceptions: the volunteer’s participation is violative of an applicable law, rule or regulation. W.Va. Code § 20-3-4, Forestry volunteers	
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	A volunteer for the division of forestry who performs authorized actives is not liable in civil damages for death, injury, or property damage resulting from volunteer activities, greater than the amount of liability insurance held for that person by the division of forests. Exceptions: the death, injury or damage was caused by willful or criminal misconduct, gross negligence, reckless misconduct or a conscious, flagrant indifference to the rights or safety of the person harmed.	
WISCONSIN		
The Wisconsin Supreme Court abolished the common law concept of charitable immunity in the 1960’s. Wisconsin statutes provide limited liability for: (1) volunteers of non-profit corporations, (2) directors, officers, and volunteers of the Roman Catholic church and other religious organizations, (3) volunteer health care providers, (4) volunteer firefighters, and (5) persons engaged in donations or non-profit sales of food, emergency household products, emergency medical supplies, and waste materials.	<i>Wis. Stat. § 187.33 Limited Liability of Volunteers – Roman Catholic Church</i> Volunteer is defined as an individual, other than an employee of the incorporated Roman Catholic church, who provides services to or on behalf of the incorporated Roman Catholic church without compensation. Volunteers are immune from civil liability for acts or omissions unless volunteer engages in criminal behavior or willful misconduct, or is acting within the scope of official duties as a director or officer. Exceptions include governmental proceedings other than those brought in the capacity as a government contractor, an express private right of action under state or federal statute for violations of state or federal law, negligent operation of a vehicle, acts or omissions within the scope of practice under license, certification, permit, or registration, and proceedings for actions for which volunteer is immune under various other state statutes. <i>Wis. Stat. § 187.43 Limited Liability of Volunteers – Other Religious Organizations</i> Volunteer is defined as an individual, other than an employee of the religious organization, who provides services to or on behalf of a religious organization without compensation. Volunteers are immune from civil liability for acts or omissions unless volunteer engages in criminal behavior or willful misconduct, or is acting within the scope of official duties as a director or officer. Exceptions include governmental proceedings other than those brought in the capacity as a government contractor, an express private right of action under state or federal statute for violations of state or federal law, negligent operation of a vehicle, acts or omissions within the scope of practice under license, certification, permit, or registration, and proceedings for actions for which volunteer is immune under various other state statutes. <i>Wis. Stat. § 187.32 Limited Liability of Director and Officers – Roman Catholic Church</i> Directors and officers of the incorporated Roman Catholic church acting within their official capacity are immune from civil liability unless director or officer engages in criminal behavior, willful misconduct, or exhibits bad faith in a matter where director or officer has a material conflict of interest. Exceptions include governmental proceedings other than those brought in the capacity as a government contractor, an express private right of action under state or federal statute for violations of state or federal law, and any duty relating to funds held in trust for the operation of a cemetery. <i>Wis. Stat. § 187.42 Limited Liability of Director and Officers – Other Religious Organizations</i> Directors and officers of a religious organization acting within their official capacity are immune from civil liability unless director or officer volunteer engages in criminal behavior, willful misconduct, exhibits bad faith in a matter where director or officer has a material conflict of interest, or derives an improper personal profit. Exceptions include governmental proceedings other than those brought in the capacity as a government contractor, an express private right of action under state or federal statute for violations of state or federal law, and any duty relating to funds held in trust for the operation of a cemetery. <i>Wis. Stat. § 181.067 Limited Liability of Volunteers – Nonstock Corporations</i> Volunteer is defined as an individual, other than an employee of the corporation, who provides services to or on behalf of the corporation without compensation. Volunteers are immune from civil liability for acts or omissions unless volunteer engages in criminal behavior or willful misconduct, or was acting within the scope of official duties as a director or officer, or was negligent and did not have a credential, license, registration, certification, permit or approval in the practice of a profession, trade, or occupation that requires such. Exceptions include governmental proceedings	The Wisconsin Supreme Court abolished the common law doctrine of charitable immunity in the early 1960’s. The Court first abolished the tort immunity of charitable hospitals with respect to paying patients in <i>Kojis v. Doctors Hosp.</i>, 12 Wis. 2d 367 (1961). The following year, the court presided over <i>Duncan v. Steeper</i>, 17 Wis. 2d 226 (1962) and extended its prior ruling in <i>Kojis</i> to include indigent or non-paying patients. The next year, the court abolished the immunity of religious organizations for negligence in <i>Widell v. Holy Trinity Catholic Church</i>, 19 Wis. 2d 648 (1963). Volunteer fire companies are generally recognized as either charitable or social welfare organizations. Immunity for volunteer firefighters in Wisconsin is inextricably linked to governmental immunity because firefighters perform a governmental function. Municipal immunity derives from common law and was first adopted by the Wisconsin Supreme Court in 1873. Under municipal immunity, liability is the rule, and immunity the exception. Both state and municipal immunity for public officers in their performance of acts within the scope of employment are subject to four exceptions identified in case law. There is no public officer immunity against liability associated with: 1) the performance of ministerial duties imposed by law; 2) known and compelling dangers that give rise to ministerial duties on the part of public officers or employees; 3) acts involving medical discretion; and 4) acts that are malicious, willful, and intentional. These exceptions along with explanation of what constitutes a ministerial duty and a known and compelling danger are analyzed in <i>Lodl v. Progressive Northern Ins. Co.</i>, 253 Wis.2d 323 (2002). Applying the aforementioned analysis in <i>Brown v. Acuity</i>, 348 Wis.2d 603 (2013), the Wisconsin

	other than those brought in the capacity as a government contractor, and an express private right of action under state or federal statute for violations of state or federal law. <i>Wis. Stat. § 146.89 Volunteer Health Care Provider Program</i> Volunteer health care provider is defined as an individual who is a licensed physician, nurse, physician’s assistant, midwife, dentist, dental hygienist, optometrist, pharmacist, chiropractor, podiatrist, physical therapist, psychologist or therapist, certified social worker or certified dietitian, and who receives no income from the practice of their health care profession when providing services at the nonprofit agency. Volunteer health care providers in Wisconsin are generally classified as state agents unless the volunteer is licensed, certified or registered out of state, and is determined by the department of health services to have sufficient liability insurance coverage. Recoverable amounts are capped; no punitive damages are allowed; and acts done in the exercise of legislative, quasi-legislative, judicial, or quasi-judicial functions receive absolute immunity. Volunteer health care providers who are not classified as state agents are immune from civil liability for acts and omissions resulting from providing services unless the volunteer violates a state statute or rule or engages in gross negligence or willful misconduct. <i>Wis. Stat. § 893.80 Claims Against Governmental Bodies, Officers, Agents, Employees</i> Volunteer is defined as a person who provides services or performs duties for, and is subject to the right of control of, a volunteer fire company, political corporation, or governmental subdivision or agency thereof without compensation. The volunteer fire company, political corporation, or governmental subdivision or agency and its officers, officials, agents, and employees are subject to liability for acts done in their official capacity or in the course of their agency or employment, but written notice of the claim must be served on the volunteer fire company, political corporation, or governmental subdivision or agency, and on the officer, official, agent, or employee within 120 days of the event giving rise to the claim. Recoverable amounts are capped; no punitive damages are allowed; and acts done in the exercise of legislative, quasi-legislative, judicial, or quasi-judicial functions receive absolute immunity. <i>Wis. Stat. § 895.51 Civil Liability Exemption: Food or Emergency Household Products; Emergency Medical Supplies (Amended by Act 185/COVID-19)</i> Charitable organization is defined as an organization whose contributions are deductible from taxable income under Wisconsin law. Any person who donates or sells food at cost to a charitable organization is immune from civil liability for death or injury caused by the donated food. Any person who donates or sells at cost qualified emergency household products to a charitable organization in response to a government declared state of emergency is immune from civil liability caused by the emergency household product. Any person who donates or sells emergency medical supplies at cost to a charitable organization in response to the public health emergency caused by the 2019 novel coronavirus pandemic is immune from civil liability for death or injury caused by the donated emergency medical supplies. Any charitable organization which distributes free of charge qualified food, emergency household products, or emergency medical supplies to any person is immune from civil liability for death or injury caused by the qualified food, emergency household products, or emergency medical supplies. <i>Wis. Stat. § 895.517 Civil Liability Exemption: Solid Waste Donation or Sale</i> Charitable organization is defined as an organization whose contributions are deductible from taxable income under Wisconsin law. Any person who donates or sells at cost to a charitable organization solid waste, or a material separated from mixed soil waste, is immune from civil liability for death, injury, or property damage caused by the solid waste or material.	Supreme Court held that public officer immunity did not shield from liability a volunteer firefighter who silently ran a red light and collided with a passenger vehicle.
WYOMING		
Wyoming has narrowed the benefit of charitable immunity to exclude entities that operate at a profit, rely largely on paying individuals or government agencies to support and maintain the	<i>Wyo. Stat. § 1-1-125. Immunity for volunteers; volunteer firefighters; search and rescue</i> Volunteer is defined as: (1) a person who performs services for a nonprofit organization but does not receive compensation for those services; (2) a volunteer firefighter who performs services for a volunteer fire department,	Wyoming law on charitable immunity changed in 1970 when the Supreme Court of Wyoming aligned the grant of charitable immunity with the legislative trend of limiting liability to charities in fact, including

entity, and receive large payments from government agencies or public funds on behalf of non-paying persons. Wyoming grants immunity to volunteers, volunteer firefighters, and individuals engaged in search and rescue operations unless injuries or damages result from wanton or willful conduct. See Wyo. Stat. § 1-1-125. Wyoming also provides immunity for volunteer health care professionals and licensed physicians rendering emergency care unless injuries result from wanton or willful conduct. See Wyo. Stat. §§ 1-1-120, 1-1-129. In addition, Wyoming grants immunity to nonprofit organizations sponsoring amateur rodeos, unless the injury is caused by a willful, wanton, or reckless act of the organization or its employee. See Wyo. Stat. § 1-1-118.	whether or not the firefighter receives compensation or a pension; and (3) an individual engaged in search and rescue operations under a county sheriff’s coordination, whether or not the individual receives compensation. These actors are personally immune from civil liability for any act or omission resulting in damage or injury if the person was acting within the scope of their volunteer capacity and the act or omission did not constitute willful or wanton misconduct. The statute does not grant immunity for the negligent operation of a motor vehicle. <i>Wyo. Stat. § 1-1-129. Immunity from liability for volunteer health care professionals</i> Individuals who provide any medical, dental, or other health care related diagnosis or care as defined by the statute without the expectation of receiving compensation from a low income uninsured person is not liable in damages in a tort or other civil action. The volunteer health care professional must be licensed to practice in Wyoming and must obtain the informed consent of the person prior to treatment. The act or omission cannot constitute willful or wanton misconduct. <i>Wyo. Stat. § 1-1-120. Persons rendering emergency assistance</i> A licensed physician who renders emergency care without compensation is not liable for any civil damages for acts or omissions in good faith. Organizations operating volunteer ambulances or rescue vehicles which make no charge or charge an incidental fee are not liable for any civil damages for acts or omissions in good faith unless the acts or omissions constitute willful or wanton misconduct. Any person who provides emergency assistance in mitigating the discharge of hazardous materials is not liable for any civil damages for acts or omissions in good faith unless the acts or omissions constitute gross negligence or willful or wanton misconduct. <i>Wyo. Stat. § 1-1-138. Donation of emergency responder equipment</i> Any person who donates emergency response equipment is not liable for damages in a civil action or subject to criminal prosecution resulting from the condition of the equipment. This statute does not apply to grossly negligent, willful, wanton, or reckless acts of donors. <i>Wyo. Stat. § 1-1-118. Amateur rodeos</i> A nonprofit organization sponsoring an amateur rodeo is not liable for injuries suffered by a contestant unless the injury is caused by a willful, wanton, or reckless act of the organization or its employee.	the exclusion of entities receiving payments from governmental agencies and public funds for services rendered. The notable case providing this narrower application is <i>Lutheran Hosps. & Homes Soc’y of Am. v. Yepsen</i>, 469 P.2d 409 (Wyo. 1970).
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