



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by David Luechtefeld, Frank C. Watson,  
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**SYNOPSIS AS INTRODUCED:**

745 ILCS 49/26 new

Amends the Good Samaritan Act. Provides that any physician licensed under the Medical Practice Act of 1987 and any licensed hospital and any of the hospital's employees, agents, apparent agents, and independent contractors who in good faith provide emergency care or services to a person who is in need of emergency medical treatment and has presented to a hospital for emergency medical care shall not be liable for civil damages as a result of his, her, or its acts or omissions, except for willful or wanton misconduct on the part of the physician, the hospital, or any of the hospital's employees, independent contractors, agents, or apparent agents, in providing the care.

LRB093 20813 LCB 46737 b

1 AN ACT concerning civil immunity.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Good Samaritan Act is amended by adding  
5 Section 26 as follows:

6 (745 ILCS 49/26 new)

7 Sec. 26. Preservation of emergency medical care.

8 (a) The General Assembly acknowledges that many hospitals  
9 and physicians provide great benefits to the citizens of  
10 Illinois by operating emergency departments and trauma centers  
11 and providing services to individuals in need of emergency care  
12 throughout the State, without regard to their ability to pay  
13 for the care and often without payment for services. The  
14 General Assembly also acknowledges that many hospitals and  
15 physicians are discontinuing their status as trauma centers or  
16 reducing the scope of their emergency care due to the fear of  
17 lawsuits based on claims of medical negligence. The public and  
18 society in general will suffer if these trauma centers cease  
19 operations or hospital emergency departments reduce their  
20 level of emergency care.

21 (b) Any physician licensed under the Medical Practice Act  
22 of 1987 and any licensed hospital and any of the hospital's  
23 employees, agents, apparent agents, and independent  
24 contractors who in good faith provide emergency care or  
25 services to a person who is in need of emergency medical  
26 treatment and has presented to a hospital for emergency medical  
27 care shall not be liable for civil damages as a result of his,  
28 her, or its acts or omissions, except for willful or wanton  
29 misconduct on the part of the physician, the hospital, or any  
30 of the hospital's employees, independent contractors, agents,  
31 or apparent agents, in providing the care.