**Section 13: ''Good Samaritans''; liability** (https://malegislature.gov/Laws/GeneralLaws/Partiii/Titleiv/Chapter258c/Section13#)

Section 13. No person who, in good faith, provides or obtains, or attempts to provide or obtain, assistance for a victim of a crime as defined in section one, shall be liable in a civil suit for damages as a result of any acts or omissions in providing or obtaining, or attempting to provide or obtain, such assistance unless such acts or omissions constitute willful, wanton or reckless conduct.

**Massachusetts Medica Society**-Regarding Overdose (https://www.massmed.org/Patient-Care/Health-Topics/Opioids/Preventing-Opioid-Overdose-Deaths-with-Naloxone/)

*The Massachusetts Good Samaritan Law encourages friends, family, or bystanders to assist people having an overdose and to seek emergency medical assistance. The law has significant potential to help reduce the impact of the opioid epidemic and save lives.* ***The law protects victims and those who call 9-1-1 for help from charge, prosecution, and conviction for possession or use of controlled substances.*** *The Law, Chapter 94C, Section 34A: “Immunity from prosecution under Secs. 34 or 35 for persons seeking medical assistance for self or other experiencing a drug-related overdose” can be found on the*[*Massachusetts Legislature General Laws website*](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C/Section34A).

**National Library of Medicine**: Good Samaritan Laws (<https://www.ncbi.nlm.nih.gov/books/NBK542176/>)

**Definition/Introduction**

The Good Samaritan law is rooted in the ancient biblical parable, defining a "Good Samaritan" as an individual who intervenes to help and assist another person without any prior obligation or expectation of compensation.[[1]](https://www.ncbi.nlm.nih.gov/books/NBK542176/) Good Samaritan laws are based on the principle that consensus agreement supports good public policy by limiting liability for individuals who voluntarily provide care and assistance during emergencies. Medical emergencies often occur outside clinical settings, making them a common occurrence.[[2]](https://www.ncbi.nlm.nih.gov/books/NBK542176/) Thus, in theory and principle, society benefits when potential rescuers—Good Samaritans—focus solely on helping individuals in need rather than worrying about potential liability for their assistance.

**The general principle of most Good Samaritan laws protects individuals who provide care without expecting payment from negligence claims.** These laws support public policy, as few jurisdictions impose an affirmative duty on medical professionals to offer care in the absence of an established patient relationship. Each state has its own version of the law, and federal laws apply in certain situations.

Notably, countries outside the United States have varying laws, opinions, and regulations regarding Good Samaritan situations. In most countries, there is no legal obligation to provide aid, although many Western nations acknowledge a moral duty to stop and offer assistance rather than enforcing a legal requirement.[[3]](https://www.ncbi.nlm.nih.gov/books/NBK542176/) In contrast, all 50 states in the United States have Good Samaritan laws, with minor differences in provisions across various states.[[2]](https://www.ncbi.nlm.nih.gov/books/NBK542176/) The tort system in the United States is unique, and the concept of liability varies from country to country. Please see StatPearls' companion resource, "[Tort](https://www.statpearls.com/point-of-care/23586)," for more information.

*Legally, a Good Samaritan is someone who provides assistance in an emergency to an injured or ill person. If the victim is unconscious or unresponsive, the Good Samaritan can act under the assumption of implied consent. However, if the person is conscious and able to respond, the rescuer should first ask for permission before offering help.*

All 50 states and the District of Columbia have Good Samaritan laws along with federal laws for specific situations. Many of these laws were originally designed to protect physicians from liability when providing care outside their typical clinical environment. The specifics of Good Samaritan laws vary by jurisdiction, including who is shielded from liability and under what conditions (such as clinicians, emergency medical technicians [EMTs], and other first responders). However, these laws generally do not protect medical professionals from liability when acting within the scope of their usual duties.

*Good Samaritan laws provide liability protection against "ordinary negligence," which refers to the failure to act as a reasonably prudent person under similar circumstances. This means not exercising the level of care that most people would apply in the same or similar circumstances.* *However, these laws do not protect against "gross negligence" or willful misconduct. Gross negligence involves a conscious and voluntary disregard for the need to use reasonable care, leading to a foreseeable risk of serious injury or harm to people, property, or both.*

For Good Samaritan laws to apply to clinicians and other healthcare providers, specific conditions must be met, primarily that there is no preexisting duty to treat. For this reason, on-call physicians are generally not covered by these protections.[[4]](https://www.ncbi.nlm.nih.gov/books/NBK542176/) Therefore, a physician with a preexisting relationship with the patient also cannot be considered a Good Samaritan. Another common exclusion in state statutes is that the healthcare provider must not receive compensation for their assistance. If any remuneration is involved in rendering emergency care, the individual is no longer considered a Good Samaritan, and the legal protections do not apply.