

By: Senator(s) Chaney, Kirby, Burton,
Michel, Nunnelee, King

To: Public Health and
Welfare; Judiciary

SENATE BILL NO. 2392

1 AN ACT TO AMEND SECTION 73-25-38, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE IMMUNITY FROM LIABILITY FOR ANY CHURCH OPERATING A
3 MEDICAL CLINIC FOR CHARITABLE PURPOSES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 73-25-38, Mississippi Code of 1972, is
6 amended as follows:

7 73-25-38. (1) Any licensed physician or certified nurse
8 practitioner who voluntarily provides needed medical or health
9 services to any person without the expectation of payment due to
10 the inability of such person to pay for said services shall be
11 immune from liability for any civil action arising out of the
12 provision of such medical or health services provided in good
13 faith on a charitable basis. This section shall not extend
14 immunity to acts of willful or gross negligence. Except in cases
15 of rendering emergency care wherein the provisions of Section
16 73-25-37, Mississippi Code of 1972, apply, immunity under this
17 section shall be extended only if the physician or certified nurse
18 practitioner and patient execute a written waiver in advance of
19 the rendering of such medical services specifying that such
20 services are provided without the expectation of payment and that
21 the licensed physician or certified nurse practitioner shall be
22 immune as provided herein. The immunity from liability granted by
23 this section shall also extend to any church that operates a
24 medical clinic for the purpose of providing charitable medical
25 services to persons who are unable to pay for such services.

26 (2) Any physician who voluntarily renders any medical
27 service under a special volunteer medical license authorized under

28 Section 1 of this act without any payment or compensation or the
29 expectation or promise of any payment or compensation shall be
30 immune from liability for any civil action arising out of any act
31 or omission resulting from the rendering of the medical service
32 unless the act or omission was the result of the physician's gross
33 negligence or willful misconduct. In order for the immunity under
34 this subsection to apply, there must be a written or oral
35 agreement for the physician to provide a voluntary noncompensated
36 medical service before the rendering of the service by the
37 physician.

38 SECTION 2. This act shall take effect and be in force from
39 and after its passage.