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## **“Good Samaritan Act of the Government of Puerto Rico”**

Act No. 139 of June 3, 1976, as amended

(Contains amendments incorporated by:

[Act No. 127 of July 17, 1998](#)  
[Act No. 190 of August 4, 2004](#)  
[Act No. 182 of August 16, 2012](#)  
[Act No. 250 of December 3, 2018](#)  
[Act No. 62 of November 8, 2021](#))

To exempt physicians, nurses, voluntary members of the American Red Cross, Civil Defense and Volunteer Corps in Action, policemen, firemen, and ambulance personnel from civil liability for damages, when under specific circumstances they inflict injury on the persons assisted, provided they do not commit gross negligence or actions with the purpose of causing injury.

*Be it enacted by the Legislature of Puerto Rico:*

### **Section 1.** — (20 L.P.R.A. § 131 note)

To establish the ‘Good Samaritan Act of the Government of Puerto Rico.’

### **Section 2.** — (20 L.P.R.A. § 131 note)

Persons legally authorized to practice medicine in Puerto Rico by virtue of Act No. 139-2008, as amended, known as the ‘Medical Discipline and Licensure Board Act’; those authorized to practice nursing by virtue of Act No. 254-2015, as amended, known as the ‘Act to Regulate the Nursing Profession in Puerto Rico’; Emergency Medical Technicians authorized to practice their profession by virtue of Act No. 310-2002, as amended, known as the ‘Act to Create the Board of Examiners of Emergency Medical Technicians of Puerto Rico’; health care professionals from other states of the United States of America deployed to render medical services in the event of a catastrophic disaster, as provided in the Emergency Management Assistance Compact (EMAC), medical students who have satisfactorily completed their first year in an accredited institution, and render emergency services or assistance to any person voluntarily and without compensation outside the course of regular employment and workplace or professional practice, as well as volunteers from the American Red Cross, the International Federation of Red Cross and Red Crescent Societies; the Municipal Emergency Management Offices; the Emergency Management and Disaster Administration Bureau of the Department of Public Safety; the *Asociación Puertorriqueña de Voluntarios en Servicios de Emergencia* [Puerto Rico Association of Emergency Service Volunteers]; and the members of any other association or group of volunteers that render medical or emergency services, duly accredited as such, in the discharge of their duties

as volunteers, and any institution or juridical person engaged in the rendering of medical services whose operations are authorized under a license, certification, or authorization prescribed by law or regulation of the Commonwealth of Puerto Rico, shall not be subject to civil liability for any injury sustained by the persons assisted, when they provide volunteer medical care or emergency or rescue assistance and without compensation; provided, that the damages are not the result of an intentional or unlawful act, gross negligence, or willful misconduct. The immunity from civil liability granted above shall also be extended to those who provide volunteer medical services or emergency or rescue assistance and without compensation as part of a response to an emergency lawfully declared by the Governor or the Legislative Assembly, as provided by law, provided, that the damages are not the result of an intentional or unlawful act, gross negligence, or willful misconduct.

**Section 3.** — (20 L.P.R.A. § 131 note)

Likewise, police officers, firefighters, or ambulance personnel who are working as such and have approved a first aid course offered by the American Red Cross, the American Heart Association, or any other duly accredited institution, shall not be held liable for any damages caused by their actions and omissions while providing services or administering first aid to any person in need thereof during emergency situations.

**Section 4.** — (20 L.P.R.A. § 131 note)

Persons authorized to practice the medical profession in Puerto Rico who only practice gratuitously in nonprofit institutions that render health services are also excluded from professional liability with respect to the patients of such institutions whom they attend. Provided, that this exemption shall extend to the nonprofit institution solely and exclusively with respect to their civil liability toward patients attended gratuitously by the medical professional covered by this Section.

**Section 5.** — (20 L.P.R.A. § 131 note)

This exemption from liability shall only be applicable when the actions or omissions of the persons referred to in this Act do not constitute gross negligence or when there has been no intent to cause harm.

**Section 6.** — (20 L.P.R.A. § 131 note)

Any employee or any natural or juridical person who, by virtue of the provisions of Act No. 141 of August 1, 2008, and of Act No. 85 of July 30, 2007, provides emergency medical services through the use of an Automated External Defibrillator in private and public establishments within the jurisdiction of the Commonwealth of Puerto Rico, is hereby held harmless from civil liability for damages, by virtue of this Section.

**Section 7.** — (20 L.P.R.A. § 131 note)

The immunity granted in this Section shall not be applicable if: (a) the person against whom an action for damages is filed is found to have acted with gross negligence or in disregard to proper care, or if said person acted willfully and with the intent to harm the victim; (b) the use, attempted use, or failure to use the AED occurred in a place where the use of said device is part of his regular job, because said place is a medical emergency care center such as, but not strictly limited to hospital emergency rooms, medical clinics, or ambulance services; (c) the person against whom an action for damages is filed was aware that the AED was malfunctioning and there is a causal connection between the damages and the defect in the AED.

**Section 8.** — (20 L.P.R.A. § 131 note)

None of the provisions herein shall affect the strict product liability doctrine involving manufacturers, distributors, or salespersons for defects in the AED, or may be construed as meaning that the immunity herein granted excludes state of necessity defenses, acting under the imposition of a law, obedience to orders, or any others contained in the code of laws in effect in Puerto Rico as related to a claim filed under Article 1802 of the Civil Code of Puerto Rico.

**Section 9.** — (20 L.P.R.A. § 131 note)

This act shall take effect immediately after its approval.

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See also the [Original version Act](#), as approved by the Legislature of Puerto Rico.