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## Judiciary Committee

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### SSB 6216

**Title:** An act relating to liability of nonprofit and charitable corporations.

**Brief Description:** Providing immunity for nonprofit and charitable corporations that provide used eyeglasses for charitable purposes.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Padden, Regala, Hargrove, Baumgartner, Kohl-Welles and Roach).

<p style="text-align: center;"><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Limits the liability of charitable organizations that provide previously owned eyeglasses.</li></ul>
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**Hearing Date:** 2/16/12

**Staff:** Omeara Harrington (786-7136).

**Background:**

Various state and federal laws provide immunity from liability to individual actors rendering assistance or services without payment.

The Good Samaritan Act provides immunity from liability for individuals who provide emergency care at the scene of an emergency without expectation of compensation. The Good Samaritan Act has been amended to include immunity provisions for physicians and other health care providers volunteering health care services with nonprofit organizations or with for-profit organizations that regularly provide services to the public or uninsured. Services must be given without payment or expectation of payment in order for the immunity to apply.

The federal Volunteer Protection Act provides immunity from liability for individuals providing volunteer services for government or nonprofit entities. Under Washington law, volunteers for a

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nonprofit entity only receive the immunity protection when the entity maintains a prescribed amount of liability insurance relative to its revenues.

The Eye Care for the Homeless Program, enacted in 1993, requires the Department of Social and Health Services (DSHS) to coordinate the efforts of nonprofit organizations who work with the homeless and eye care providers to deliver free vision services to the homeless. Optometrists, ophthalmologists, and dispensing opticians are not liable for civil damages for injury to a homeless person resulting from any act or omission in provision of vision services or eyeglasses in conjunction with this program.

None of these immunity provisions apply to acts or omissions that constitute gross negligence.

Alaska, Oregon, and Arizona have all passed laws specifically to shield charitable organizations from liability for facilitating donations of used eyeglasses.

**Summary of Bill:**

The directive to DSHS to coordinate with nonprofit organizations and eye care providers to deliver free vision services to the homeless is expanded to facilitate delivery of services to the poor and uninsured.

Nonprofit and charitable corporations are immune from liability for damages arising out of distributing used eyeglasses without charge to people who are at least 14 years old. This immunity applies only if the eyeglasses are provided by a licensed optometrist or ophthalmologist who personally examined the person receiving the eyeglasses, or if the eyeglasses are provided by an optician who consulted with a licensed optometrist or ophthalmologist who personally examined the recipient of the eyeglasses.

**Appropriation:** None.

**Fiscal Note:** Requested on February 15, 2012.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.