

Massachusetts Department of Public Health

Volunteers and Liability

LIABILITY PROTECTIONS FOR NON-HEALTH CARE PROFESSIONAL VOLUNTEERS

Depending on your role and responsibilities, you may be protected by one or more of the following.

1. Federal Volunteer Protection Act (42 U.S.C. § 14501)

You have immunity from (no liability for) negligence if you volunteer for a nonprofit organization or governmental entity. No need for federal funding.

You must act within the scope of your responsibilities in the organization.

You must be properly licensed, certified, or authorized to act. Protection is not limited to emergencies.

You are not protected if the harm occurred through your operation of a motorized vehicle.

You are not protected for reckless misconduct or gross negligence.

2. Protection for Public Employees under Mutual Aid Agreements (Mass. General Laws, chapter 40, sections 4A or 4J)

If your city or town has entered into a mutual aid agreement under section 4A or opted into the statewide mutual aid agreement under section 4J, AND if you are a municipal employee or special municipal employee, you are protected under the Mass. Tort Claims Act, chapter 258.

- To be a special municipal employee, you must be so designated by a government entity, e.g. the select board or city council.
- You must be under the direction and control of your appropriate supervisor and must act within the scope of your official duties.

NOTE that you must be sent by a city, town, or county, not a group of municipalities.

3. Protection for Persons Performing Emergency Services Including CPR or Defibrillation (Mass. General Laws, chapter 112, section 12V)

You have immunity from negligence if your usual and regular duties do not include the provision of emergency medical care and you attempt to render emergency care including, but not limited to, cardiopulmonary resuscitation or defibrillation,

You must act in good faith and without compensation.

You are not protected against gross negligence or willful or wanton misconduct.

NOTE that this law only protects you from liability in an urgent situation. If an individual in your vicinity has a sudden emergency need and you respond, you will be protected.

Disclaimer: This information is only a brief outline of liability protections in Massachusetts. It is provided for educational purposes only and is not to be construed as legal advice. Consult your own attorney for legal advice.