

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1168

5 By: Representative L. Johnson
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For An Act To Be Entitled

9 AN ACT TO PROVIDE CRIMINAL IMMUNITY FOR HEALTHCARE
10 PROFESSIONALS FOR NEGLIGENT ACTS OR OMISSIONS; AND
11 FOR OTHER PURPOSES.
12
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Subtitle

15 TO PROVIDE CRIMINAL IMMUNITY FOR
16 HEALTHCARE PROFESSIONALS FOR NEGLIGENT
17 ACTS OR OMISSIONS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 5, Chapter 2, is amended to add an
22 additional subchapter to read as follows:

Subchapter 7 – Immunity

25 5-2-701. Healthcare professional criminal immunity – Definitions.

26 (a) As used in this section:

27 (1)(A) “Healthcare facility” means an institution, building,
28 agency, or a portion of an institution, building, or agency that is used,
29 operated, or designed to provide healthcare services, medical treatment,
30 nursing care, rehabilitative care, or preventative care to an individual,
31 regardless of whether the institution, building, or agency is a private
32 organization, a public organization, a nonprofit organization, or a for-
33 profit organization.

34 (B) “Healthcare facility” includes without limitation:

35 (i) A hospital;

36 (ii) A psychiatric hospital;



- 1 (iii) A physical rehabilitation hospital;
- 2 (iv) A chemical dependency program;
- 3 (v) A nursing facility or nursing home;
- 4 (vi) A personal care home;
- 5 (vii) An intermediate care facility;
- 6 (viii) An assisted living facility;
- 7 (ix) A family care home;
- 8 (x) An outpatient clinic;
- 9 (xi) An ambulatory surgical facility;
- 10 (xii) An ambulance provider;
- 11 (xiii) A hospice;
- 12 (xiv) A community mental health center;
- 13 (xv) A home health agency;
- 14 (xvii) A kidney disease treatment center or
- 15 freestanding hemodialysis unit; and
- 16 (xvii) A facility providing similarly organized
- 17 healthcare services regardless of nomenclature;

18 (2) "Healthcare professional" means:

- 19 (A) An employee of a healthcare facility; or
- 20 (B) A person who is licensed, certified, or otherwise
- 21 authorized by the laws of this state to administer health care in the
- 22 ordinary course of the practice of his or her profession; and

23 (3) "Healthcare service" means clinically related services

24 provided within this state to a person, including without limitation

25 diagnostic, treatment, or rehabilitative services and alcohol, drug abuse,

26 and mental health services.

27 (b) A healthcare professional who is providing a healthcare service

28 and is otherwise lawfully acting is immune from criminal liability for any

29 harm or damages to the person receiving the healthcare service alleged to

30 arise from a negligent act or omission related to providing the healthcare

31 service.

32 (c) This section does not amend, repeal, or alter any other immunity,

33 defense, limitation of liability, or procedure available or required under

34 any other law or contract.

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