

---

## Judiciary Committee

---

### HB 2261

**Title:** An act relating to charitable donations of eye glasses and hearing instruments.

**Brief Description:** Providing limited immunity for organizations making charitable donations of eye glasses or hearing instruments.

**Sponsors:** Representatives Takko, Reykdal, Orcutt, Wilcox, Jinkins, Finn and Hudgins.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Limits the liability of charitable organizations in providing previously owned eyeglasses or hearing instruments.</li></ul>
---



**Hearing Date:** 1/23/12

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

**Background:**

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. These immunity provisions do not apply to acts or omissions that constitute gross negligence.

In 1997 Congress passed the Volunteer Protection Act which provides immunity from liability for individuals providing volunteer services for government or nonprofit entities as long as the volunteer does not commit an act or omission that constitutes gross negligence. In 2001 Washington passed immunity protections to enact more specific standards than the Volunteer Protection Act. In Washington, volunteers for a nonprofit entity only receive the immunity

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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

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

**Summary of Bill:**

Charitable organizations are not liable for damages arising out of any act or omission associated with providing people with previously owned eyeglasses or hearing instruments. The organization is still subject to liability for damages arising out of acts or omissions that constitute gross negligence or willful or wanton misconduct.

The immunity only applies if certain criteria are met. The person to whom an organization provides eyeglasses or hearing instruments must be at least 14 years of age and no compensation may be expected or collected. The eyeglasses or hearing devices must be provided by a medical provider who has personally examined the receiving person or has personally consulted with the medical professional who issued the prescription for eyeglasses or examined the recipient of hearing instruments.

The organization must qualify as a charitable organization in order for the immunity to apply. Charitable organizations are those that regularly engage in or provide financial support for a benevolent or charitable activity that benefits nonmembers. Also, a charitable organization's income cannot be distributable to its members, directors, or officers, and none of those actors or any other employee or agent may be paid an amount beyond a fixed, reasonable, and approved level of compensation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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