

1 SB5
2 18130-6
3 By Senator Butler
4 RFD: Economic Expansion and Trade
5 First Read: 06-APR-1999
6 PFD 02/25/1999

ACT No. 99- 370



1
2
3 Enrolled, An Act,

4 Providing for the use and standards for use of
5 automated external defibrillators; and to amend Section
6 6-5-332, Code of Alabama 1975, relating to rendering of aid or
7 emergency care at scene of an accident by certain persons to
8 provide immunity for use of automated external defibrillators.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. The Legislature of the State of Alabama
11 finds the following:

12 (1) Early defibrillation may sustain the life and
13 temporarily stabilize a person in cardiac arrest, thus helping
14 to preserve the Alabama family.

15 (2) The American Heart Association estimates that
16 more than 350,000 Americans die each year from out of hospital
17 sudden cardiac arrest, and 20,000 deaths may be prevented each
18 year if automated external defibrillators were more widely
19 available.

20 It is the intent of the Legislature that an
21 automated external defibrillator may be used for the purpose
22 of saving the life of another person in cardiac arrest.

23 Section 2. As used in Sections 3 and Section 6-5-332
24 of the Code of Alabama 1975, the term "automated external
25 defibrillator" or "AED" means a medical device heart monitor

1 and defibrillator that meets all of the following specifications:

2 (1) Has received approval of its pre-market
3 notification filed pursuant to Section 360 (k), Title 21 of
4 the United States Code from the United States Food and Drug
5 Administration.

6 (2) Is capable of recognizing the presence or
7 absence of ventricular fibrillation or rapid ventricular
8 tachycardia and is capable of determining, without
9 intervention by an operator, whether defibrillation should be
10 performed.

11 (3) Upon determining that defibrillation should be
12 performed, automatically charges and requests delivery of an
13 electrical impulse through the chest wall and to an
14 individual's heart.

15 (a) A person or entity that acquires an AED shall
16 ensure all of the following:

17 (1) That expected defibrillator users receive
18 appropriate training in an American Heart Association,
19 American Red Cross, or other nationally recognized
20 cardiopulmonary resuscitation (CPR) course and AED, or an
21 equivalent nationally recognized course.

22 (2) That the defibrillator is maintained and tested
23 according to the manufacturer's operational guidelines.

24 (3) That there is involvement of a licensed
25 physician or medical authority in the site's AED program to

1 ensure compliance with training, notification, and
2 maintenance.

3 (4) That any person who renders emergency care or
4 treatment of a person in cardiac arrest by using an AED
5 activates the emergency medical services system as soon as
6 possible.

7 (5) That each manufacturer, wholesale supplier, or
8 retailer of an AED notifies purchasers of AED's intended for
9 use in the State of Alabama of the requirements of this
10 section.

11 (b) A person or entity who acquires an automated
12 external defibrillator shall notify the local emergency
13 communications center or dispatch center of the existing
14 location and type of AED.

15 (c) This section shall not apply to an individual
16 using an AED in an emergency setting if that individual is
17 acting as a good samaritan pursuant to Section 6-5-332, Code
18 of Alabama 1975.

19 Section 3. Section 6-5-332, Code of Alabama 1975, is
20 amended to read as follows:

21 "§6-5-332.

22 "(a) When any doctor of medicine or dentistry,
23 nurse, member of any organized rescue squad, member of any
24 police or fire department, member of any organized volunteer
25 fire department, Alabama-licensed emergency medical
26 technician, intern or resident practicing in an Alabama

1 hospital with training programs approved by the American
2 Medical Association, Alabama state trooper, medical aidman
3 functioning as a part of the military assistance to safety and
4 traffic program, chiropractor, or public education employee
5 gratuitously and in good faith, renders first aid or emergency
6 care at the scene of an accident, casualty, or disaster to a
7 person injured therein, he or she shall not be liable for any
8 civil damages as a result of his or her acts or omissions in
9 rendering first aid or emergency care, nor shall he or she be
10 liable for any civil damages as a result of any act or failure
11 to act to provide or arrange for further medical treatment or
12 care for the injured person.

13 "(b) Any member of the crew of a helicopter which is
14 used in the performance of military assistance to safety and
15 traffic programs and is engaged in the performance of
16 emergency medical service acts shall be exempt from personal
17 liability for any property damages caused by helicopter
18 downwash or by persons disembarking from the helicopter.

19 "(c) When any physician gratuitously advises medical
20 personnel at the scene of an emergency episode by direct voice
21 contact, to render medical assistance based upon information
22 received by voice or biotelemetry equipment, the actions
23 ordered taken by the physician to sustain life or reduce
24 disability shall not be considered liable when the actions are
25 within the established medical procedures.

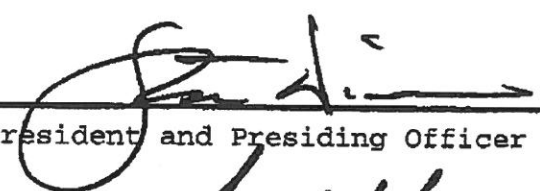
1 "(d) Any person who is qualified by a federal or
2 state agency to perform mine rescue planning and recovery
3 operations, including mine rescue instructors and mine rescue
4 team members, and any person designated by an operator
5 furnishing a mine rescue team to supervise, assist in planning
6 or provide service thereto, who, in good faith, performs or
7 fails to perform any act or service in connection with mine
8 rescue planning and recovery operations shall not be liable
9 for any civil damages as a result of any acts or omissions.
10 Nothing contained in this subsection shall be construed to
11 exempt from liability any person responsible for an overall
12 mine rescue operation, including an operator of an affected
13 facility and any person assuming responsibility therefor under
14 federal or state statutes or regulations.

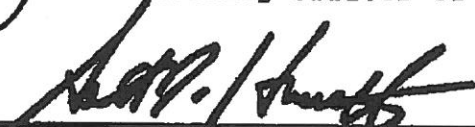
15 "(e) A person or entity, who in good faith and
16 without compensation renders emergency care or treatment to a
17 person suffering or appearing to suffer from cardiac arrest,
18 which may include the use of an automated external
19 defibrillator, shall be immune from civil liability for any
20 personal injury as a result of care or treatment or as a
21 result of any act or failure to act in providing or arranging
22 further medical treatment where the person acts as an ordinary
23 prudent person would have acted under the same or similar
24 circumstances, except damages that may result for the gross
25 negligence of the person rendering emergency care. This
26 immunity shall extend to the licensed physician or medical

1 authority who is involved in automated external defibrillator
 2 site placement, the person who provides training in CPR and
 3 the use of the automated external defibrillator, and the
 4 person or entity responsible for the site where the automated
 5 external defibrillator is located. This section specifically
 6 excludes from the provision of immunity any designers,
 7 manufacturers, or sellers of automated external defibrillators
 8 for any claims that may be brought against such entities based
 9 upon current Alabama law."

10 Section 4. This act shall become effective on the
 11 first day of the third month following its passage and
 12 approval by the Governor, or its otherwise becoming law.

SB5


President and Presiding Officer of the Senate


Speaker of the House of Representatives

SB5

Senate 27-APR-1999

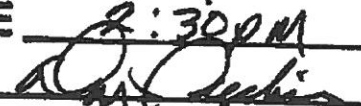
I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 25-MAY-1999

Senate concurred in House amendment 25-MAY-1999

By: Senator Butler

APPROVED 6/09 1999
TIME 2:30 PM

GOVERNOR

Alabama Secretary of State

Act Num....: 1999-370
Bill Num...: S-5