SB5
18130-6
By Senator Butler
RFD: Economic Expansion and Trade
First Read: 06-APR-1999
PFD 02/25/1999
Enrolled, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

Section 2. As used in Sections 3 and Section 6-5-332 of the Code of Alabama 1975, the term "automated external defibrillator" or "AED" means a medical device heart monitor
and defibrillator that meets all of the following specifications:

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

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

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

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

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

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

(3) That there is involvement of a licensed physician or medical authority in the site’s AED program to
ensure compliance with training, notification, and
maintenance.

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

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

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

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

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

"§6-5-332.

(a) When any doctor of medicine or dentistry,
nurse, member of any organized rescue squad, member of any
police or fire department, member of any organized volunteer
fire department, Alabama-licensed emergency medical
technician, intern or resident practicing in an Alabama
hospital with training programs approved by the American
Medical Association, Alabama state trooper, medical aidman
functioning as a part of the military assistance to safety and
traffic program, chiropractor, or public education employee
gratuitously and in good faith, renders first aid or emergency
care at the scene of an accident, casualty, or disaster to a
person injured therein, he or she shall not be liable for any
civil damages as a result of his or her acts or omissions in
rendering first aid or emergency care, nor shall he or she be
liable for any civil damages as a result of any act or failure
to act to provide or arrange for further medical treatment or
care for the injured person.

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

"(c) When any physician gratuitously advises medical
personnel at the scene of an emergency episode by direct voice
contact, to render medical assistance based upon information
received by voice or biotelemetry equipment, the actions
ordered taken by the physician to sustain life or reduce
disability shall not be considered liable when the actions are
within the established medical procedures.
"(d) Any person who is qualified by a federal or state agency to perform mine rescue planning and recovery operations, including mine rescue instructors and mine rescue team members, and any person designated by an operator furnishing a mine rescue team to supervise, assist in planning or provide service thereto, who, in good faith, performs or fails to perform any act or service in connection with mine rescue planning and recovery operations shall not be liable for any civil damages as a result of any acts or omissions. Nothing contained in this subsection shall be construed to exempt from liability any person responsible for an overall mine rescue operation, including an operator of an affected facility and any person assuming responsibility therefor under federal or state statutes or regulations.

"(e) A person or entity, who in good faith and without compensation renders emergency care or treatment to a person suffering or appearing to suffer from cardiac arrest, which may include the use of an automated external defibrillator, shall be immune from civil liability for any personal injury as a result of care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary prudent person would have acted under the same or similar circumstances, except damages that may result for the gross negligence of the person rendering emergency care. This immunity shall extend to the licensed physician or medical
authority who is involved in automated external defibrillator
site placement, the person who provides training in CPR and
the use of the automated external defibrillator, and the
person or entity responsible for the site where the automated
external defibrillator is located. This section specifically
excludes from the provision of immunity any designers,
manufacturers, or sellers of automated external defibrillators
for any claims that may be brought against such entities based
upon current Alabama law."

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

APPROVED 6/09 1999
TIME 8:30AM

By: Senator Butler

GOVERNOR

. Alabama Secretary Of State
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Bill Num....: S-5
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