

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H1/20/99 S2/4/99

A Bill

Act 101 of 1999
HOUSE BILL 1006

5 By: Representatives Laverty, Agee, French, Gillespie, Hathorn, Jacobs, Milligan, Prater
6
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For An Act To Be Entitled

9 "AN ACT TO PROVIDE FOR PUBLIC ACCESS TO AUTOMATED
10 EXTERNAL DEFIBRILLATORS; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO PROVIDE FOR PUBLIC ACCESS TO
14 AUTOMATED EXTERNAL DEFIBRILLATORS."

15
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. This act may be cited as "The Public Access to Automated
19 External Defibrillation Act of 1999."
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21 SECTION 2. Legislative Intent.

22 The General Assembly finds that early defibrillation can sustain the
23 life of and temporarily stabilize a person in cardiac arrest, and that early
24 defibrillation operates as an extension of a physician in sustaining the life
25 of and stabilizing a person in cardiac arrest, thus helping to preserve the
26 Arkansas family. It is the intent of the General Assembly that the public
27 have access to automated external defibrillators for the purpose of saving the
28 lives of persons in cardiac arrest.
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30 SECTION 3. Definitions.

31 For purposes of this act:

32 (a) "Automated External Defibrillator (AED)" means a device which:

33 (1) is used to administer an electric shock through the chest
34 wall to the heart;

35 (2) has built-in computers within the device to assess the
36 patient's heart rhythm, judge whether defibrillation is needed and then

1 administers the shock;

2 (3) has audible and/or visual prompts to guide the user through
3 the process;

4 (4) has received approval of its premarket modification, filed
5 pursuant to 21 U.S.C. Section 360 (k), from the United States Food and Drug
6 Administration;

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

11 (6) upon determining that defibrillation should be performed,
12 either automatically charges and delivers an electrical impulse to an
13 individual's heart, or charges and delivers an electrical impulse at the
14 command of the operator; and

15 (7) in the case of a defibrillator that may be operated in either
16 an automatic or a manual mode, is set to operate in the automatic mode.

17 (b) "Cardiac arrest" means a condition, often sudden, that is due to
18 abnormal heart rhythms called arrhythmias. It is generally the result of some
19 underlying form of heart disease.

20 (c) "CPR" means a combination of rescue breathing and chest
21 compressions/external cardiac massage used to sustain a person's life until
22 advanced assistance arrives.

23 (d) "Defibrillation" means administering an electrical impulse to an
24 individual's heart in order to stop ventricular fibrillation or rapid
25 ventricular tachycardia.

26 (e) "Emergency medical services system" means the transportation and
27 medical care provided the ill or injured prior to arrival at a medical
28 facility by a certified emergency medical technician or other health care
29 provider and continuation of the initial emergency care within a medical
30 facility subject to the approval of the medical staff and governing board of
31 that facility.

32 (f) "Medical authority" means a health services organization or medical
33 organization, with physician medical direction.

34 (g) "Physician" means an Arkansas licensed doctor of Medicine (M.D.) or
35 Doctor of Osteopathy (D.O.).

36 (8) "Person" means any individual, partnership, association,

1 corporation or any organized group of persons whether incorporated or not.

2 (9) "Ventricular fibrillation" means the most common arrhythmia
3 that causes cardiac arrest. It is a condition in which the heart's electrical
4 impulses suddenly become chaotic, often without warning, causing the heart's
5 pumping action to stop abruptly.

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7 SECTION 4. Access by the public to defibrillators.

8 (a) In order to ensure the public health and safety, a person or entity
9 who acquires an AED shall ensure that:

10 (1) expected AED users complete a knowledge and skills course in
11 CPR and AED use based upon current American Heart Association scientific
12 guidelines, standards, and recommendations for providing CPR and the use of
13 AEDs as published in American Heart Association, American Red Cross, or
14 equivalent course materials;

15 (2) the defibrillator is maintained and tested according to the
16 manufacturer's operational guidelines and instructions;

17 (3) there is the involvement of a physician or medical authority
18 to the site's AED program to ensure compliance with requirements for training,
19 notification, and maintenance;

20 (4) any person who renders emergency care or treatment on a
21 person in cardiac arrest by using an AED activates the emergency medical
22 services system as soon as possible, and reports any clinical use of the AED
23 to the physician or medical authority as well as to emergency medical services
24 providers.

25 (b) Any person or entity who acquires an AED shall notify an agent of
26 emergency communications, 9-1-1, or vehicle dispatch center of the existence,
27 location, and type of AED.

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29 SECTION 5. AED use and tort immunity.

30 (a) Any person or entity who in good faith and without compensation
31 renders emergency care or treatment by the use of an automated external
32 defibrillator is immune from civil liability for any personal injury as a
33 result of the care or treatment, or as a result of any act or failure to act
34 in providing or arranging further medical treatment, if the person acts as an
35 ordinary, reasonably prudent person would have acted under the same or similar
36 circumstances.

1 (b) The immunity from civil liability for any personal injury under (a)
2 of this section includes: the physician or medical authority who is involved
3 with AED site placement, the person or entity who provides the CPR and AED
4 training, and the person or entity responsible for the site where the AED is
5 located.

6 (c) The immunity from civil liability under (a) of this section does
7 not apply if the personal injury results from the gross negligence or willful
8 or wanton misconduct of the person rendering the emergency care.

9 (d) The requirements of Section 4 of this act do not apply to any
10 individual using an AED in an emergency setting if that individual is acting
11 as a Good Samaritan pursuant to the provisions of either Arkansas Code Section
12 17-95-101 or Section 17-95-106.

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14 SECTION 6. The Arkansas Code Revision Commission shall codify this act
15 as part of Title 17, Chapter 95.

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17 SECTION 7. If any provision of this Act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the Act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 Act are declared to be severable.

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23 SECTION 8. All laws and parts of laws in conflict with this Act are
24 hereby repealed.

25 /s/ Laverty, et al

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28 APPROVED: 2/17/1999

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