

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 8th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1231

5 By: Representative Scroggin
6
7

For An Act To Be Entitled

9 AN ACT TO EXPAND PUBLIC ACCESS TO AUTOMATIC
10 EXTERNAL DEFIBRILLATORS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO EXPAND PUBLIC ACCESS TO
13 AUTOMATIC EXTERNAL DEFIBRILLATORS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 20, Chapter 13 is amended to add an
20 additional subchapter to read as follows:

21 20-13-1301. Title.

22 This subchapter may be cited as the "Public Access to Automated
23 External Defibrillation Act".
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25 20-13-1302. Legislative intent.

26 The General Assembly finds that early defibrillation can sustain the
27 life of and temporarily stabilize a person in cardiac arrest, thus helping to
28 preserve the Arkansas family. It is the intent of the General Assembly that
29 the public have access to automated external defibrillators for the purpose
30 of saving the lives of persons in cardiac arrest.
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32 20-13-1303. Definitions.

33 For purposes of this subchapter:

34 (1) "Automated external defibrillator" means a device that:

35 (A) Is used to administer an electric shock through the
36 chest wall to the heart;



1 (B) Has built-in computers within the device to assess the
 2 patient's heart rhythm, judge whether defibrillation is needed, and then
 3 administer the shock;

4 (C) Has audible or visual prompts, or both, to guide the
 5 user through the process;

6 (D) Has received approval from the United States Food and
 7 Drug Administration of its premarket modification, filed pursuant to 21
 8 U.S.C. § 360(k);

9 (E) Is capable of recognizing the presence or absence of
 10 ventricular fibrillation and rapid ventricular tachycardia and is capable of
 11 determining without intervention by an operator whether defibrillation should
 12 be performed; and

13 (F) Upon determining that defibrillation should be
 14 performed, automatically charges and delivers an electrical impulse to an
 15 individual's heart.

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

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

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

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

31 (6) "Person" means any individual, partnership, association,
 32 corporation, or any organized group of persons whether incorporated or not;
 33 and

34 (7) "Ventricular fibrillation" means the most common arrhythmia
 35 that causes cardiac arrest. It is a condition in which the heart's
 36 electrical impulses suddenly become chaotic, often without warning, causing

1 the heart's pumping action to stop abruptly.

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3 20-13-1304. Access by the public to defibrillators.

4 (a) In order to ensure the public health and safety, a person or
5 entity who acquires an automated external defibrillator shall ensure that:

6 (1) Expected automated external defibrillator users complete a
7 knowledge and skills course in CPR and automated external defibrillator use
8 based upon current American Heart Association scientific guidelines,
9 standards, and recommendations for providing CPR and the use of automated
10 external defibrillators as published in American Heart Association, American
11 Red Cross, or equivalent course materials;

12 (2) Expected automated external defibrillator users complete, at
13 least once every two (2) years, a one (1) hour course in CPR and automated
14 external defibrillator use based upon current American Heart Association
15 scientific guidelines, standards, and recommendations for providing CPR and
16 the use of automated external defibrillators as published in American Heart
17 Association, American Red Cross, or equivalent course materials;

18 (3) The defibrillator is maintained and tested according to the
19 manufacturer's operational guidelines and instructions; and

20 (4) Any person who renders emergency care or treatment on a
21 person in cardiac arrest by using an automated external defibrillator
22 activates the emergency medical services system as soon as possible and
23 immediately reports any clinical use of the automated external defibrillator
24 to the medical provider responding to the emergency.

25 (b) Any person or entity who acquires an automated external
26 defibrillator shall notify an agent of emergency communications, 911, or
27 vehicle dispatch center of the existence, location, and type of automated
28 external defibrillator.

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30 20-13-1305. Automated external defibrillator use and tort immunity.

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

1 similar circumstances.

2 (b) The immunity from civil liability for any personal injury under
3 subsection (a) of this section includes:

4 (1) A physician or medical facility that is involved with
5 automated external defibrillator placement;

6 (2) Any person or entity that provides CPR and automated
7 external defibrillator training to the person or entity acquiring an
8 automated external defibrillator; and

9 (3) The person or entity responsible for the location where the
10 automated external defibrillator is located or used.

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

15 (d) The requirements of § 20-13-1304 do not apply to any individual
16 using an automated external defibrillator in an emergency setting if that
17 individual is acting as a "Good Samaritan" under the provisions of either §
18 17-95-101 or § 17-95-106.

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20 SECTION 2. Arkansas Code Title 17, Chapter 95, Subchapter 6 is
21 repealed.

22 ~~17-95-601. Title.~~

23 ~~This subchapter may be cited as the "Public Access to Automated~~
24 ~~External Defibrillation Act of 1999".~~

25

26 ~~17-95-602. Legislative intent.~~

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

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35 ~~17-95-603. Definitions.~~

36 ~~For purposes of this subchapter:~~

1 ~~(1) "Automated External Defibrillator" means a device which:~~

2 ~~(A) Is used to administer an electric shock through the~~
 3 ~~chest wall to the heart;~~

4 ~~(B) Has built-in computers within the device to assess the~~
 5 ~~patient's heart rhythm, judge whether defibrillation is needed, and then~~
 6 ~~administer the shock;~~

7 ~~(C) Has audible or visual prompts, or both, to guide the~~
 8 ~~user through the process;~~

9 ~~(D) Has received approval from the United States Food and~~
 10 ~~Drug Administration of its premarket modification, filed pursuant to 21~~
 11 ~~U.S.C. § 360(k);~~

12 ~~(E) Is capable of recognizing the presence or absence of~~
 13 ~~ventricular fibrillation and rapid ventricular tachycardia and is capable of~~
 14 ~~determining without intervention by an operator whether defibrillation should~~
 15 ~~be performed;~~

16 ~~(F) Upon determining that defibrillation should be~~
 17 ~~performed, either automatically charges and delivers an electrical impulse to~~
 18 ~~an individual's heart or charges and delivers an electrical impulse at the~~
 19 ~~command of the operator; and~~

20 ~~(G) In the case of a defibrillator that may be operated in~~
 21 ~~either an automatic or a manual mode, is set to operate in the automatic~~
 22 ~~mode;~~

23 ~~(2) "Cardiac arrest" means a condition, often sudden, that is~~
 24 ~~due to abnormal heart rhythms called arrhythmias. It is generally the result~~
 25 ~~of some underlying form of heart disease;~~

26 ~~(3) "CPR" means a combination of rescue breathing and chest~~
 27 ~~compressions and external cardiac massage used to sustain a person's life~~
 28 ~~until advanced assistance arrives;~~

29 ~~(4) "Defibrillation" means administering an electrical impulse~~
 30 ~~to an individual's heart in order to stop ventricular fibrillation or rapid~~
 31 ~~ventricular tachycardia;~~

32 ~~(5) "Emergency medical services system" means the transportation~~
 33 ~~and medical care provided the ill or injured prior to arrival at a medical~~
 34 ~~facility by a certified emergency medical technician or other health care~~
 35 ~~provider and continuation of the initial emergency care within a medical~~
 36 ~~facility subject to the approval of the medical staff and governing board of~~

1 ~~that facility;~~

2 ~~(6) "Medical authority" means a health services organization or~~
 3 ~~medical organization under the medical direction of a physician;~~

4 ~~(7) "Person" means any individual, partnership, association,~~
 5 ~~corporation, or any organized group of persons whether incorporated or not;~~

6 ~~(8) "Physician" means an Arkansas licensed doctor of medicine or~~
 7 ~~doctor of osteopathy; and~~

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

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 13 ~~17-95-604. Access by the public to defibrillators.~~

14 ~~(a) In order to ensure the public health and safety, a person or~~
 15 ~~entity who acquires an automated external defibrillator shall ensure that:~~

16 ~~(1) Expected automated external defibrillator users complete a~~
 17 ~~knowledge and skills course in CPR and automated external defibrillator use~~
 18 ~~based upon current American Heart Association scientific guidelines,~~
 19 ~~standards, and recommendations for providing CPR and the use of automated~~
 20 ~~external defibrillators as published in American Heart Association, American~~
 21 ~~Red Cross, or equivalent course materials;~~

22 ~~(2) The defibrillator is maintained and tested according to the~~
 23 ~~manufacturer's operational guidelines and instructions;~~

24 ~~(3) There is the involvement of a physician or medical authority~~
 25 ~~to the site's automated external defibrillator program to ensure compliance~~
 26 ~~with requirements for training, notification, and maintenance; and~~

27 ~~(4) Any person who renders emergency care or treatment on a~~
 28 ~~person in cardiac arrest by using an automated external defibrillator~~
 29 ~~activates the emergency medical services system as soon as possible and~~
 30 ~~reports any clinical use of the automated external defibrillator to the~~
 31 ~~physician or medical authority, as well as to emergency medical services~~
 32 ~~providers.~~

33 ~~(b) Any person or entity who acquires an automated external~~
 34 ~~defibrillator shall notify an agent of emergency communications, 911, or~~
 35 ~~vehicle dispatch center of the existence, location, and type of automated~~
 36 ~~external defibrillator.~~

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~~17-95-605. Automated external defibrillator use and tort immunity.~~

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

~~(b) The immunity from civil liability for any personal injury under subsection (a) of this section includes:~~

- ~~(1) The physician or medical authority who is involved with automated external defibrillator site placement;~~
- ~~(2) The person or entity who provides the CPR and automated external defibrillator training; and~~
- ~~(3) The person or entity responsible for the site where the automated external defibrillator is located.~~

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

~~(d) The requirements of § 17-95-604 do not apply to any individual using an automated external defibrillator in an emergency setting if that individual is acting as a "Good Samaritan" pursuant to the provisions of either § 17-95-101 or § 17-95-106.~~