

Alabama AED Bill

SB-5 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 therefore 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 it's otherwise becoming law.

Alabama AED Law - Funds Appropriations for AED purchase/training

S.B. 351

SB351

By Senator Butler

Enrolled, An Act,

SYNOPSIS:

There is no provision of law for a comprehensive and coordinated state program providing for the training and use of semiautomatic external defibrillators for the out-of-hospital treatment of persons suffering sudden cardiac arrest.

This bill would provide for such a program and make a 3 million dollar conditional appropriation from the General Fund in the State Treasury to the Alabama State Fire College-Shelton Community College to implement and administer the program. The Department of Public Health would establish a program to administer the act.

Relating to health care for persons suffering cardiac arrest outside of a hospital setting; to provide for a comprehensive, coordinated program for the training of emergency medical providers and equipping of providers with semiautomatic external defibrillators; and to provide for a conditional appropriation from the General Fund in the State Treasury to the Alabama State Fire College-Shelton Community College to implement this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Department of Public Health shall establish a comprehensive cardiac arrest survival plan for the training, credentialing, and certification of primary cardiac care providers in the use of semiautomatic external defibrillators based on national guidelines for life-saving interventions of persons suffering sudden, non-traumatic cardiac arrest promulgated by the National Institutes of Health and the National Heart, Lung, and Blood Institute.

Section 2. There is conditionally appropriated for the fiscal year ending September 30, 1999, the sum of three million dollars (\$3,000,000) from the General Fund in the State Treasury to the Alabama State Fire College-

Shelton Community College to implement and administer this act pursuant to Section 3. The appropriation made in this section is conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 3. All funds from the appropriation in this act shall be used to assist in the purchase or acquisition of semiautomatic external defibrillators and training for emergency medical care providers. To be eligible for assistance, emergency medical care providers shall meet standards established by the department. A Cardiac Arrest Survival Commission consisting of the State Health Officer, the State Emergency Medical Director, three members appointed by the Senate President Pro Tempore, three members appointed by the Speaker of the House, two members appointed by the Governor, and one member appointed by the Alabama Chapter of the American Heart Association shall make all awards of assistance by majority vote. The State Health Officer shall serve as chair of the commission. Assistance may be in the form of equipment awarded outright or purchased with matching funds from the provider. The commission shall establish by majority vote the methodology for making awards to eligible providers.

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

Health
Appropriations
General Fund
Emergency Medical Services
Health Department, State
Shelton State Community College
State Fire College
Automated External Defibrillators
Heart Attacks
Defibrillators
Cardiac Arrest Survival Commission