

Regular Session, 1999

SENATE BILL NO. 100 (DUPLICATE OF HOUSE BILL NO. 245)

BY SENATOR HINES AND REPRESENTATIVE DOWNER AND  
COAUTHORED BY SENATORS BAJOEIE, CASANOVA,  
DYESS, LANDRY, SCHEDLER AND ROBICHAUX AND  
REPRESENTATIVES HOLDEN, GLOVER AND TOOMY

AN ACT

To enact Subpart D of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1236.11 through 1236.14, relative to emergency medical services; to provide for legislative intent; to provide for definitions; to establish certain requirements of any person or entity who possesses an automated external defibrillator; to provide for certain requirements of an automated external defibrillator; to provide for civil immunity for certain persons relative to the operation of an automated external defibrillator; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart D of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1236.11 through 1236.14, is hereby enacted to read as follows:

SUBPART D. AUTOMATED EXTERNAL DEFIBRILLATORS

**Subpart D is all new law.**

§1236.11. Legislative findings

**R.S. 40:1236.11 is all new law.**

A. The Legislature of Louisiana finds that each year more than three hundred fifty thousand Americans die from out-of-hospital sudden cardiac arrest. More than ninety-five percent of these Americans die, in many cases, because a lifesaving defibrillator did not

arrive at the scene of the emergency in time.

B. The American Heart Association estimates that more than twenty thousand deaths may be prevented each year if defibrillators were more widely available to designated responders.

C. Many communities throughout the state and nation have invested in 911 emergency response systems, emergency personnel, and ambulance vehicles. However, many of these communities do not have enough defibrillators in their community.

D. It is therefore the intent of the legislature to encourage greater acquisition, deployment, and use of automated external defibrillators in communities throughout the state.

§1236.12. Definitions

**R.S. 40:1236.12 is all new law.**

As used in this Subpart "automated external defibrillator" and "AED" mean a medical device heart monitor and defibrillator that:

(1) Has received approval of its pre-market notification filed pursuant to Section 360(k) of 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 whether defibrillation should be performed.

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

(4) Is capable of delivering the electrical impulse to an individual's heart.

§1236.13. Persons in possession of AED's; training, testing, and

notification requirements; manufacturer responsibility

**R.S. 40:1236.13 is all new law.**

A. In order to ensure public health and safety, any person or entity who possesses an AED shall ensure that:

(1) The AED is maintained and tested according to the manufacturer's guidelines.

(2) A licensed physician or advanced practice registered nurse who is authorized to prescribe is involved in the possessor's program to ensure compliance with the requirements for training, emergency medical service (EMS) notification, and maintenance.

(3)(a) Expected AED users regularly, on the premises of a particular entity, such as a work site, receive appropriate training in cardiopulmonary resuscitation (CPR) and in the use of an AED by the American Heart Association or by any other nationally recognized course in CPR and AED use.

(b) For purposes of this Paragraph, "expected AED users" shall be any person designated by the possessor to render emergency care.

(4) The emergency medical services system is activated as soon as possible when an individual renders emergency care to an individual in cardiac arrest by using an AED.

(5) Any clinical use of the AED is reported to the licensed physician or advanced practice registered nurse involved in the possessor's program.

B. Any person or entity which possesses an AED shall notify the bureau of emergency medical services in the office of public health of the Department of Health and Hospitals and a local provider of emergency medical services, such as 911 service, local ambulance

service, or the fire department of the acquisition, location, and type of AED.

C. Any manufacturer, wholesale supplier, or retailer of an AED shall notify purchasers of AED's intended for use in the state of the requirements of this Section.

§1236.14. Limitation of liability

**R.S. 40:1236.14 is all new law.**

In addition to the civil immunity provided to persons rendering emergency assistance as provided by law, including R.S. 9:2793, R.S. 37:1731, 1732, and 1735, and R.S. 40:1231.2, any prescribing advanced practice registered nurse or physician who authorizes the purchase of the AED, any physician or advanced practice registered nurse involved in the possessor's program, any individual or entity which provides training in cardiopulmonary resuscitation and in the use of an AED, any purchaser of an AED, any person or entity responsible for the site where an AED is located, and any expected user regularly on the premises shall not be liable for any civil damages arising from any act or omission of acts related to the operation of an AED that do not amount to willful or wanton misconduct or gross negligence.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_