

South Dakota Codified Law 20-9-4

20-9-4.3. Definition of terms. Terms used in § § 20-9-4.3 to 20-9-4.8, inclusive, mean:

- (1) "AED," an automated external defibrillator;
- (2) "Person," a natural person, organization, corporation, partnership, limited partnership, joint venture, association, or any other legal or commercial entity;
- (3) "Physician," a physician licensed pursuant to chapter 36-4.

20-9-4.4. Civil immunity for emergency use of AED -- Conditions of immunity.

Any person, who in good faith obtains an AED for use in providing emergency care or treatment, is immune from civil liability for any injury as a result of such emergency care or treatment or as a result of an act or failure to act in providing or arranging such medical treatment. This immunity applies only if the following requirements are fulfilled:

- (1) The person tests and maintains the AED, or arranges to have such testing and maintenance performed on the AED pursuant to the AED manufacturer's specifications;
- (2) The person involves a physician to authorize in writing AED placement and compliance with the requirements for AED training, notification of placement and use, and maintenance;
- (3) An emergency medical services system is activated when an AED has been used to render emergency care or treatment; and
- (4) The person has reported any emergency use of the AED to the physician.

20-9-4.5. Physician immunity -- Condition.

Any physician who provides those services stated in subdivision 20-9-4.4 (2) is immune from civil liability for any personal injury that occurs as a result of emergency care or treatment rendered using the AED or as a result of an act or failure to act in providing or arranging such medical treatment.

20-9-4.6. AED trainer immunity.

Any person who provides AED training is immune from civil liability for any personal injury that occurs as a result of emergency care or treatment rendered using the AED or as a result of an act or failure to act in providing or arranging such medical treatment.

20-9-4.7. Possessor of AED to notify agent -- Information required.

Any person who acquires an AED shall notify an agent of the emergency communications or vehicle dispatch center of the existence, location, and type of AED.

20-9-4.8. Immunity inapplicable in event of negligence or misconduct.

The immunity from civil liability under § § 20-9-4.3 to 20-9-4.8, inclusive, does not apply if the personal injury results from the gross negligence or willful or wanton misconduct of the person rendering such emergency care.