

| STATE   | "EXPANDED ACCESS" AED STATUTE / REGULATION / POSITION PAPER   | TRAINING  | MEDICAL CONTROL  | NOTIFICATION RE: AED USE OR LOCATION   | AED SPECIFIC LIMITED IMMUNITY PROVISION   | REFERENCES, COMMENTS  |
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| ♥ AK  | <b>HB 395</b> "An Act relating to civil liability resulting from the use of a defibrillator in providing emergency aid or emergency training."<br><br><b>Status: Governor signed 5/14/98; Effective 8/12/98</b> | AHA, ARC, or other AED course approved by Department of Health & Social Services          |  | User must "activate [EMS] system by notifying appropriate [EMS] agency"  | Civil immunity for user if meets training and notification requirements   | Amended AS 09.65.090.   |
| ♥ AL  | <b>SB 5</b> "Providing for the use and standards for use of [AED]s; and ... to provide immunity for use of [AED]s"<br><br><b>Status: Signed by Governor 6/9/99; Effective 9/1/99</b>                            | AED acquirer shall ensure expected users receive AHA, ARC, or equivalent CPR/AED training | Physician or medical authority to ensure compliance with training, notification, maintenance | AED acquirer must notify emergency dispatch about AED and must ensure user activates EMS ASAP upon use                 | Civil immunity for person or entity who without compensation uses AED to treat person who appears to be suffering from cardiac arrest - this immunity extends to licensed physician or medical authority, trainer, and person or entity responsible for the site. | Note: AED acquirer to ensure that AED manufacturer or supplier notifies purchasers of AEDs for use in Alabama about the requirements of this act. |
| ♥ AR  | <b>HB 1006</b> "An Act To Provide For Public Access To [AED]s"<br><br><b>Status: Enacted 2/18/99</b>  | AED acquirer shall ensure expected users receive AHA, ARC, or equivalent CPR/AED training | Physician or medical authority to ensure compliance with training, notification, maintenance | AED acquirer must notify emergency dispatch about AED; User must activate EMS ASAP and report use to medical authority | Civil immunity for AED use without compensation; includes user, medical authority, trainer, site  | Added to Title 17, Chapter 95.<br><br>Also see AR Code 17-95-101 & -106 for general good samaritan provisions                                     |

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| ♥ AZ  | <b>HB 2475</b><br><br><b>Status: Signed by Governor 5/12/99</b>  | AED acquirer shall limit the use of AED to persons trained in CPR and AED us per Heart Saver AED course  | AED acquirer shall enter into agreement with Arizona licensed physician to oversee all aspects of PAD; imposes additional requirements on physician | AED acquirer must require AED user to call 911 ASAP upon use and submit report to physician within 5 days; to notify re: existence and location and of AED and name of physician | Civil immunity provisions for the following if they comply with requirements of this Act: trained AED user, supervising physician, trainer, AED acquirer, site or facility owner | Home user exempt from requirements<br><br>Adds article 3 to Title 36, chapter 21.2 Arizona Revised Statutes.<br><br>Also See: ARS 32-1471 Arizona Good Samaritan Law and ARS 32-1401, 1421, 1454, 1455 - Defibrillation practice of medicine but exemption for emergency |
| ♥ CA  | <b>Cal Code of Regs Title 22, Div. 9 Ch 1.8</b> "Training Standards for Use of [AED] by Non-Licensed or Non-Certified Personnel"<br><br><b>Status: In Effect</b> | CPR and AED training required - topics specified in regulation; 4 hours minimum presented in 2 sessions; written and skills exam required; physician may issue prescription only to trained person | User must have written prescription to use AED; prescribing physician must establish policies and procedures and has other requirements             | User must activate EMS upon use if required by prescribing physician and/or local EMS  |  | Chapter 1.8 applies only to person not otherwise licensed or certified to use AED<br><br>AB 2371 introduced 2/98 would have granted civil immunity for AED user and organization - failed to pass  |

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|       | <p><b>SB 911</b> "Emergency care: automatic external defibrillator: acquisition and liability"</p> <p><b>Status: Approved by Governor 7/22/99</b></p>  | Acquirer must ensure that expected AED users are trained in CPR and AED use in course that complies w/ EMS regulations, AHA and ARC standards | Requires involvement of licensed physician in developing program to ensure compliance with regulations                       | AED acquirer must notify EMS of location and type of AED; activation of EMS upon use; report use to physician and EMS | <p>civil immunity for:</p> <p>user trained in CPR and AED use in course that complies w/ EMS regulations, AHA and ARC standards, provided not for compensation</p> <p>trainer</p> <p>physician and persons/entities responsible for site where AED located, provided requirements of bill and all regulations re: training, use, and placement are met</p> | <p>Added Civil Code 1714.21, Health and Safety Code 1797.196</p> <p>Specific maintenance requirements and checks required</p> |
| ♥ CO  | <p><b>HB 1283</b> "A Bill for an Act Concerning Limited Immunity For the Use of Automated External Defibrillators in Emergency Situations"</p> <p><b>Status: Signed by Governor and effective 4/16/99.</b></p> | CPR and AED training through course approved by department of public health and environment   | Requires involvement of Colorado licensed physician in the program at site of the AED to ensure compliance with requirements | Must notify emergency dispatch of location and type of AED; activate EMS ASAP upon use; report use to physician       | Provided requirements of the bill are met, civil immunity for person or entity whose primary duties do not include provision of health care who uses AED without compensation and for physician and person or entity responsible for site and AED placement. Requirements do not apply to person acting as good samaritan per section 13-21-108.           | <p>Note: also requires written plans re: training, coordination with EMS, etc.</p> <p>13-21-1081, CRS</p>                     |

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| ♥ CT  | <p><b>SB 318</b> "An Act Concerning Good Samaritan Immunity for Automatic External Defibrillator Use By a Person With Proper Training"</p> <p><b>Status: Governor signed 5/19/98; Effective 10/98</b></p>   | AED training to ARC or AHA standards required  |                 |   | Civil immunity for trained user if gratuitous and not in ordinary course of employment   | Pub Act 98-62; general statutes section 52-557b   |
| ♥ DE  | <p>No legislation but see: <b>Delaware Office of Emergency Medical Services AED Program</b> Rev. 12/1/97 - OEMS states that this applies to "non emergency operators in Delaware, i.e.: commercial businesses and manufacturing operations."</p> <p>The Delaware Early Defibrillation Program Administrative Policy contains 15 pages of requirements re: training, certification, early defibrillation protocols, etc.</p> <p><b>Status: Approved by Board of Medical Practice 12/2/97</b></p> | Certified Early Defibrillation Provider must complete approved Early Defibrillation Training Program and must be certified in CPR for Healthcare Providers | Yes             | OEMS states that under this program any AED provider agency must be approved by OEMS. They have requested to be notified of any sale of AEDs in Delaware. | No But See: Delaware Code 6801 re: exemption for liability for rendering emergency care without expectation of monetary or other compensation. | <p>Note Delaware passed HB 332 on 6/17/99 calling for the Dep't of Health &amp; Soc Services to promulgate regulations re: AED use, coordinate a statewide effort to promote widespread use of AEDs. Also requires all law enforcement patrol vehicles to have AEDs by 1/01 subject to appropriations.</p> <p>(As of 6/21/00 I am unaware of any regulations re: AED use)</p> |

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| ♥ FL  | <p><b>H 411</b> "An act relating to [AED]s; providing legislative intent that automatic external defibrillators may be used by any person; requiring persons to obtain training and activate [EMS] upon use of a defibrillator; encouraging certain persons and entities to register a defibrillator..."</p> <p><b>Status: Governor approved 4/30/97; effective immediately</b></p> | CPR and AED training required   |   | <p>Registration of AED with local EMS medical director encouraged</p> <p>Activation of EMS required upon AED use</p> | Civil immunity for user if gratuitous   | Amended sec. 768.13, F.S.; repealed sec. 402.291, F.S.   |
| ♥ GA  | <p><b>SB 566</b> "A bill ... relating to the automatic defibrillator program, so as to provide for easier public access to automated external defibrillators..."</p> <p><b>Status: Governor signed 4/6/98; Effective 7/1/98</b></p>   | Training per nationally recognized CPR course and Department approved AED course recommended; trainers must complete department approved course | Required for EMT's; apparently not for first responders | <p>Notification of EMS required prior to placing AED in use;</p> <p>Activation of EMS required upon AED use</p>      | Civil immunity for "First Responders" who use or provide AED gratuitously, including paid persons who extend care without expectation of remuneration from patient. | <p>Note: Law allows AED use by anyone; provides immunity for "First Responders" - "any person or agency who provides on site care until the arrival of a duly licensed ambulance service"</p> <p>Written or electronic report of AED use must be provided to transporting EMS provider within reasonable period of time.</p> <p>Amends OCGA 31-11-53.1</p> |

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| ♥ HI  | <p><b>HB 2598</b> "A bill for an act relating to [AED]s" "Provides immunity from liability for [AED] use in emergency care situations if appropriately trained. Provides persons, including employers, immunity for establishing [AED] programs."</p> <p><b>Status: Signed by Governor 7/14/98, Effective immediately.</b></p> | Required: CPR and AED training administered by physician     |  |   | Civil immunity for trained user and person who establishes AED program without expectation of remuneration   | <p>HB 2598 removed AED use from practice of medicine</p> <p>Also note: HB 885 introduced 2/99 would impose duty to assist person at the scene of an emergency but would provide no civil damages for failure to do so. Would grant civil immunity to person rendering care. Status: house draft 2 3/5/99.</p> <p>453-2 HRS and 663-1.5 HRS</p> |
| ♥ IA  | <p><b>Iowa Admin Code 641-132.16(147A) "Public access defibrillation."</b> (12/98) "This rule is intended to enhance and supplement the local EMS system with nontraditional early defibrillation groups/agencies."</p> <p><b>Status: In Effect</b></p>  | CPR and AED training approved by Department of Public Health | PAD service program must have medical director | Business must establish an affiliation with an EMS service program or may apply for authorization as an independent PAD service program | Iowa Code 147A.10 (1997) provides for exemptions from liability for appropriately certified emergency medical care provider; Iowa Code 613.17 (1997) provides for civil immunity for person who renders emergency care without compensation. | Person seeking certification as a [PAD] provider must be employee or associate of the business agency applying for PAD service program authorization. The AED, protocol, training, etc. must be approved by the Department   |

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| ♥ ID | <p><b>SB 1185 "An Act Relating To Use Of An [AED]...To Define an [AED], To Prescribe The Conditions For Use And To Provide Immunity To Persons Who Comply With the Requirements..."</b></p> <p><b>Status: Enacted and Effective 3/25/99</b></p> | AED acquirer shall ensure that expected users receive AHA, ARC or equivalent CPR and AED training   | Requires involvement of a physician to ensure compliance with requirements for training, notification, device maintenance, and guidelines for use. | <p>AED acquirer must notify emergency dispatch about AED.</p> <p>AED user must activate EMS ASAP and must report use of AED to prescribing physician.</p> | Immunity from civil liability for use of a defibrillator in an emergency setting.   | New section 5-337 Idaho Code                            |
| ♥ IL | <p><b>HB 1217 "An act concerning civil immunity, amending named Acts."</b></p> <p><b>Status: Approved and effective 8/14/98</b></p>   | Basic emergency care and AED use per AHA standards  |  |   | Civil immunity for user who, not for compensation, uses AED in accordance with training   | Added new section to good samaritan Act: 745 ILCS 49/12 |
|      | <p><b>SB 458 "The Automated External Defibrillator Act"</b></p> <p><b>Status: Proposed</b> - introduced 2/18/99; Sent to Governor 6/16/99</p>   | <p>Would require the Department of Public Health to adopt rules re: training programs</p> <p>Would require AED acquirer to ensure AED use only by trained users</p> |  | <p>Would require AED acquirer to notify emergency dispatch about AED and register with EMS</p> <p>Would require AED user to activate EMS ASAP on use.</p> | Would provide civil immunity for authorizing physician, individual or entity providing training; person owning occupying or managing the AED site; and a trained user |   |

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|      | <p><b>HB 1773</b> - “An Act to amend the Good Samaritan Act”</p> <p><b>Status: Proposed</b> - introduced 2/18/99; Passed House, to Senate Committee 4/21/99; 6/27/99 referred to Rules</p> |   |                            |   | Would provide civil immunity for person or entity that owns, occupies, or manages a building in which an AED is used |  |
|      | <p><b>HB 2612</b> - “Duty To Aid Law”</p> <p><b>Status: Proposed</b> - Introduced 2/22/99; last action 3/9/99</p>  |   |                            |   |  |  |
| ♥ IN | <p><b>SB 171</b></p> <p><b>Status: Governor signed 3/11/98; effective immediately</b></p>  | Required: AHA or equivalent AED and CPR course by national or state approved instructor; proficiency must be demonstrated | Medical direction required | <p>Person possessing AED must notify EMS or ambulance service of location of AED</p> <p>Upon use of AED must notify local ambulance service</p> | <b>Note:</b> SB 171 included immunity provisions which were inadvertently repealed by PL 1-1998.                     | Added IC 16-31-6.5; amended IC 34-4-12-1.5 |

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|      | <p><b>SB 40 “Technical Corrections”</b><br/>Reinstated good samaritan AED provisions of SB 171 which had been repealed inadvertently</p> <p><b>Status: Signed by Governor 3/2/99; Applicable Sections (67 and 74) effective retroactively to 7/1/98.</b></p> |   |  |  | <p>AED user immune from liability if gratuitous and if the person fulfills the requirements of IC 16-31-6.5. Individual, business, or organization that allows an expected user to use an AED is immune from civil liability if gratuitous and if all fulfill the requirements of IC 16-31-6.5</p> | <p>Amended IC 34-6-2-51 and IC 34-30-12-1</p>         |
| ♥ KS | <p><b>SB 535</b> “An Act ... concerning the use of [AEDs]...”</p> <p><b>Status: Enacted</b></p>  | <p>An AED may be used by any qualified person: i.e. who has completed training courses in CPR and AED and demonstrated proficiency in AED use</p> |  |  | <p>Civil immunity for use or provision of AED provided gratuitous</p>  | <p>added new section 18 KSA 1997 65-6144; 4/23/98</p> |

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| ♥ KY  | <p><b>201 KAR 9:320</b> “General Government Cabinet, KY Board of Medical Licensure new administrative regulation “Procedures for physician training and/or supervision of noncertified individuals in the use of [AED]s.” “The purpose of this regulation is to assure that noncertified individuals have physician training in the use of [AED]s.”</p> <p><b>Status: Agency Approved 8/6/98</b></p> | Completion of BLS providers course, demonstrated proficiency in CPR, and training of not less than 4 hours which conforms with the AHA recommended curriculum for a providers course in the use of AEDs | Prescribing physician must issue written proof of the users ability to use an AED. Before prescribing and authorizing the use of the AED, the physician shall establish policies and procedures per the requirements of the regulation |                                      |   | <p>Regulatory impact analysis: “Benefits public health in making the AED available outside the public setting.”</p> <p>1998 House Concurrent Resolution 112 would have amended KY Constitution and allowed good samaritan protection in emergency aid - died.</p> |

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| ♥ LA  | <p><b>SB 100</b> "An Act...to establish certain requirements of any person or entity who possesses an [AED]; to provide for certain requirements of an [AED]; to provide for civil immunity for certain persons relative to the operation of an AED..."</p> <p><b>Status: Signed by Governor; Effective 7/2/99</b></p> | Anyone who possesses and AED must ensure expected users regularly receive CPR and AED training to nationally recognized standard | Anyone who possesses and AED must ensure licensed physician or advanced practice RN who is authorized to prescribe is involved in program to ensure compliance with requirements for training, notification, and maintenance | <p>Anyone who possesses and AED must:</p> <p>notify the bureau of EMS and local emergency services provider of location and type of AED;</p> <p>ensure EMS is activated ASAP on use of AED and that AED use is reported to program's physician or RN</p> | <p>Civil immunity for any prescribing RN or physician who authorizes the purchase of the AED or who is involved in the program; trainers; purchasers, persons responsible for the site where AED located; any expected user regularly on the premises.</p> <p>Note: R.S. 9.2793 provides civil immunity for person who in good faith gratuitously renders care, but excludes care rendered incidental to a business relationship, e.g. employer-employee.</p> | <p>Added R.S. 40:1236.11 through 1236.14</p> <p>Requires AED suppliers to notify customers of the requirements of this law</p> |
| ♥ MA  | <p><b>SB 2164</b> "Exemption of certain trained individuals rendering emergency [CPR] or defibrillation from civil liability."</p> <p><b>Status: Enacted, effective 8/26/98</b></p>  | Required: CPR/AED training to standards of AHA or ARC  |  |  | <p>Immunity for person using AED per training if without compensation and other than in the course of regular professional or business activity</p> <p>Also Note: Ch 111 section 201: Police may be trained in AED use; training &amp; equipment to Department standards. Ch 111C section 14: immunity for police rendering emergency care</p>  | General Laws of MA Ch 112: Section 12V.  |

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|-------|---|---------------------------------------|---|--|---|--|
|       | <p><b>SB 882</b> would "[limit] liability from the use of AEDs"</p> <p><b>Status: Proposed</b> - introduced 1/6/99</p>  |                                       |   |  |   |  |
|       | <p><b>SD (Senate Docket) 1210</b> relates to the limiting of defibrillation liability</p> <p><b>Status: Proposed</b> - filed 12/8/98</p>  |                                       |   |  |   |  |
| ♥ MD  | <p><b>SB 294</b> "Emergency Medical Services - [AED] Program" "... to authorize certain facilities to make [AED] available; requiring certain facilities to have a certain certificate before they may make [AED] available;...requiring ... training;... authorizing the EMS board to set certain fees;... providing immunity to certain persons under certain circumstances..."</p> <p><b>Status: Signed by Governor 4/27/99; Effective 10/1/99</b></p> | Training as required by the EMS board | Must have a sponsoring physician licensed to practice medicine under Maryland Law and who meets the qualifications established by the EMS board | AED program must be registered with EMS, must notify EMS/911 ASAP upon use of AED; must report use of AED to EMS | Civil immunity for: (1) trained and authorized person who uses AED provided without compensation, per the requirements of this Act, at an authorized facility, and provided the AED was obtained by a physician's prescription; (2) for facility provided has met requirements under this act and possesses valid certificate; and (3) for sponsoring physician of an authorized facility | <p>Note: Except for an AED obtained by prescription to a known patient, an individual may not use an AED unless it is through an authorized facility; authorized facility must have a certificate issued by the EMS board.</p> <p>EMS board is required to implement regulations to implement this Act by 12/31/99</p> <p>Ann. Code Md. Article - Education 13-501, 13-517</p> |
| ME    |   |                                       |   |  |   |  |

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| STATE   | "EXPANDED ACCESS" AED STATUTE / REGULATION / POSITION PAPER  | TRAINING | MEDICAL CONTROL | NOTIFICATION RE: AED USE OR LOCATION | AED SPECIFIC LIMITED IMMUNITY PROVISION  | REFERENCES, COMMENTS                                      |
|---|--|----------|-----------------|--------------------------------------|--|---|
| ♥ = states which have "expanded access" AED statute/regulation/position paper |  |          |                 |                                      |  |   |
| ♥ MI  | <b>HB 4420</b> "An act to relieve certain persons from civil liability when rendering emergency care..."<br><br><b>Status: Approved by Governor and Effective 11/30/99</b> |          |                 |                                      | Civil immunity for AED user who has no duty to render emergency services; physician who provides medical authorization for use of the AED; trainer; owner, occupier or manager of premises where AED is located or used  | Amended section 4 (MCL 691.1504)                          |
| ♥ MN  | <b>SF 2861</b> "[AED] use civil liability immunity provided."<br><br><b>Status: Signed by Governor 3/23/98; Effective 8/1/98</b>   |          |                 |                                      | Civil immunity for person (including corporation, volunteer service, or other entity) providing or using an AED without compensation or expectation of compensation. Does not apply to person rendering care with expectation of compensation and during course of regular employment. | Amended MN statutes 1996, section 604A.01, subdivision 2. |

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| ♥ MO  | <p><b>HB 1668</b> “An Act...relating to first responder programs...”</p> <p><b>Status: Approved by Governor 6/18/98; Effective 8/28/98</b></p> | Required: training to AHA/ARC or equivalent national course in CPR and AED | Physician must provide medical protocol | <p>AED acquirer must notify EMS or ambulance dispatch center of location.</p> <p>User must activate EMS ASAP upon use of AED.</p> | Civil immunity for use or provision of AED when gratuitous, medically appropriate, and when user is appropriately trained | <p>HB 1668 authorizes local governments to “establish a program to allow the use of AEDs by any person...” It sets forth the minimum requirements of those programs. (First Responders who provide care in association with a EMS agency are trained to DOT levels.)</p> <p>MO Rev Statues 190.375, 192-100</p> <p>MO Rev Statutes 537.037 8/28/97: civil immunity For first aid within scope of training</p> |

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| ♥ MS | <p><b>HB 954</b> “An Act to authorize any person to use an [AED] ... if they meet the requirements of this act; to require persons who use [AED]s to obtain appropriate training and to activate [EMS] upon use of the defibrillator; ... to provide immunity from civil liability to certain persons rendering emergency care in good faith with an [AED]...”</p> <p><b>Status: Signed by Governor</b><br/>3/30/99; effective 7/1/99</p> | CPR and AED training to AHA, ARC, NSC, or other nationally recognized course. | Mississippi licensed physician must exercise medical control authority over the person using the AED to ensure compliance with requirements | Upon use, must activate EMS ASAP; must report use to medical director | Civil immunity for AED user who complies with requirements, with or without compensation; Civil immunity for medical director and trainer | MS Code 73-25-37 |
|------|---|---|---|---|---|------------------|

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| ♥ MT  | <p><b>HB 126</b> “Provides for the use of [AED]s; provides that use of an AED is not prohibited and a license is not required by statutes prohibiting the practice of medicine without a license; requires the preparation of an AED program plan...”</p> <p><b>Status: Signed by Governor 4/19/99; Effective 7/1/99</b></p> | Expected AED users must have AED and CPR training approved by department. | Physician or designee must supervise AED program to ensure compliance with written plan and must review each AED use. | Must notify EMS upon use and report to supervising physician or designee; Must notify all licensed EMS and any emergency dispatch location of AED and must provide copy of plan | An individual who uses AED in compliance with this Act and any department rules is immune from civil liability for personal injury; immunity extends to supervising physician and designee identified in the plan, entity responsible for AED program identified in the plan, and individual providing training. | <p>Notes: In order for an entity to allow use of an AED must establish a program and have a written plan that complies with the detailed requirements in the Act and any departmental rules.</p> <p>This Act does not apply to the use of an AED by a patient’s caretaker if the use has been prescribed by a physician. Neither does it apply to use by health care professional whose scope of practice includes use of AED.</p> <p>37-3-103, MCA</p> |

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| ♥ NC  | See: <b>State of North Carolina Office of EMS Position Paper</b><br>"Use of Automatic External Defibrillators (AED) in North Carolina"<br><br>dated 2/1/98 -<br><br>"...effectively deregulates at the state level the use of AEDs in North Carolina..."                              | "Individuals who want to use AED but choose not to hold an EMS certification should complete, at a minimum, the current recommendations of the [AHA] for AED training." |                 | "Without regulation, the development of a volunteer system of charting the location and use of these devices will require a great deal of public education and the responsibility will fall on local authorities." | No AED specific immunity, but see NC General Statutes section 90-21.14 regarding liability limitation for first aid or emergency treatment | "The use of AEDs outside the EMS delivery system (industry, public buildings, private homes, etc.) will not be regulated by OEMS."<br><br>"...AED should become a required piece of equipment for every permitted ambulance in North Carolina which does not already carry a manual defibrillator." |
| NC  | <b>HB 1118:</b> "An Act to limit liability when a person uses an [AED] to render emergency treatment to save the life of a person in cardiac arrest."<br><br><b>Status: Proposed</b> - Introduced 4/15/99; rereferred to House committee on rules 4/27/99 (last action as of 6/24/99) |   |                 |  |  |   |

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| ♥ ND  | <p><b>HB 1242</b> "AN ACT to provide [AED] site requirements and civil liability immunity for the use of an [AED].</p> <p><b>STATUS: Approved by Governor 3/25/99. Effective date 8/1/99</b></p>  | AED acquirer shall ensure every expected AED user is trained to AHA, ARC or equivalent course in CPR and AED use.  | AED acquirer "shall consider" recommendations of a licensed physician in establishing the requirements of HB 1242 | <p>AED acquirer must notify the department of health about the AED</p> <p>Must establish a use protocol that requires the user to contact health care / EMS provider ASAP on use of AED</p> | Civil immunity for person who without compensation uses AED; also extends to licensed physician, trainer, and person responsible for site where AED is located provided the training, notification, device maintenance, and other requirements of the bill are met. |   |
| ♥ NE  | <p><b>LB 498</b> "A bill for an Act ... to provide for the use of [AED]s; ... to provide for immunity from liability; to provide for rules and regulations..."</p> <p><b>STATUS: Approved by Governor 3/30/99 - Effective immediately</b></p> | No person other than a health care professional shall use an AED unless has received training as established by the State Department of Health and Human Services* | *   | *   | Civil immunity for AED user other than health care professional provided training and device maintenance requirements are met   | <p>*Note: LB 498 gives the department the power to establish criteria for deployment and use of AEDs</p> <p>71-5178, Revised Stat Supp 1998</p> |

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| ♥NH | <p><b>SB 67</b> An Act limiting liability resulting from the use of AED</p> <p><b>Status: Approved and effective 7/16/99</b></p>  | <p>AED acquirer shall expected users to receive CRP and AED training</p>   |  |  | <p>Civil immunity for user, provided without compensation;</p> <p>Civil immunity for any person, organization, corp. that acquires and maintains an AED.</p>         | RSA 151B     |
| ♥NJ | <p><b>AB2321</b> "Establishes requirements and immunity from civil liability for certain persons who use defibrillators"</p> <p><b>Status: Approved 3/8/99; effective immediately</b></p> | <p>A person shall not use a defibrillator unless he holds a current certificate in CPR and defibrillator use from AHA, ARC or other program recognized by Department of Health; AED acquirer must ensure training prior to defibrillator use</p> | <p>Prior to purchasing the AED the AED purchaser must provide prescribing physician with documentation that protocol is in place which satisfies training, maintenance and notification requirements</p> | <p>Acquirer must notify appropriate EMS provider of type and location of AED</p> <p>User shall request emergency medical assistance as soon as practicable</p> | <p>Civil immunity for acquirer, provider, user, supervising licensed physician, prescribing licensed physician, trainer, or supervisor who complies with the Act</p> | Title 2A NJS |

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| ♥ NM  | <p><b>HB 375</b> “An Act relating to [AED]s; enacting the cardiac arrest response act; providing certain requirements for entities establishing a defibrillation program; requiring training ...; requiring activation of [EMS]...; providing immunity from liability for certain persons...”</p> <p><b>Status: Signed by Governor 4/1/99; effective 7/1/99</b></p> | AED acquirer shall ensure that the targeted responder receives training in CPR and AED use by state approved course* | AED acquirer shall ensure that there is a physician medical director to oversee all aspects of the AED program* | <p>AED program must be registered with the state*</p> <p>Local EMS/911 must be notified of the AED program*</p> <p>User must activate EMS ASAP upon AED use and report use of AED to the medical director*</p> | Civil immunity provisions for supervisory physician, trainer, AED acquirer, AED site owner, and trained targeted operator, operating pursuant to the Act. | <p>* The “Bureau” will adopt rules for implementing the cardiac arrest response act.</p> <p>Note: HB 375 includes specific exemption for AED prescribed for use by a patient’s caregiver - this person need not function in an approved AED program.</p> <p>24-10B-4 NMSA 1978</p> |

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| ♥ NV  | <p><b>AB 147</b> "An Act ... requiring the administrator of the division of industrial relations of the department of business and industry to encourage employers to hire persons trained to render emergency medical care involving the use of an [AED], providing that certain persons who are trained to provide such care and their employers are not liable for civil damages resulting from the provision of that care under certain circumstances..."</p> <p><b>Status: Enacted 7/97</b></p> | <p><del>Required: course in basic emergency cardiac care conducted in accordance with AHA standards including AED training</del><br/> Revised - see AB 409</p> |                 |                                      | <p><del>Civil immunity: for AED use in accordance with training; applies to user, employer, and AED provider</del></p> <p>Revised - see AB 409</p> | <p>Note: Nevada bill also encourages certain employers to establish AED program</p> <p>Amended NRS 618 and 41.500</p> |

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|  | <p><b>AB 409</b> “AN ACT ... extending limited immunity for liability regarding the use of [AED]s and related training;...”</p> <p><b>Status: 5/20/99 Approved by Governor; Effective 10/1/99</b></p> | <p>Required: course in CPR and AED use in accordance with AHA or ARC standards</p> |  |  | <p>Civil immunity provision for:</p> <p>AED user provided gratuitous, in good faith and in accordance with training</p> <p>person or entity providing training under this act</p> <p>business or organization that has placed an AED on premises providing complies with all regs governing use and placement of AEDs, ensures that only persons qualified under this act use the AED, establishes and maintains a program to ensure with compliance, etc.</p> | <p>“Gratuitously” specifically defined by this Act as meaning “the person receiving care or assistance is not required or expected to pay...”.</p> <p>Amended NRS 618.384 and 41.500</p> |
|--|---|--|--|--|--|--|

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| ♥ NY  | <p><b>SB 5477</b> "[AED]s: Public Access Providers."</p> <p><b>Status: Signed by Governor 8/5/98; Effective immediately</b></p> | Required: AED training course approved by state EMS council or state approved national organization (requirement does not apply to person acting per lawful prescription) | "Collaborative agreement" between AED owner/operator and emergency health care provider must include practice protocols, policies and procedures | "Collaborative agreement" must be filed with the Department and with the appropriate regional council prior to operating the AED; owner/operator must notify regional council about the AED; every AED use must be immediately reported to the appropriate emergency dispatch and shall promptly notify the emergency health care provider | <p>Immunity provision for AED users (other than those health care providers specifically identified) is covered by existing Section 3000-a(1) re: a person who renders first aid voluntarily and without expectation of compensation</p> <p>3000-a(2) Person or entity that purchases or makes available an AED and the emergency health care provider under a collaborative agreement shall not be liable for the use of the AED. Note - does not limit liability for their own ordinary negligence, only for that of the user. (See section 2 of bill text.)</p> | <p>Also required: AED maintenance to manufacturer <u>and</u> <u>government</u> standards; intro. 6/11/97;</p> <p>New section 3000-b of Article 30 (EMS)</p> |

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| ♥ OH  | <p><b>HB 717</b> "Automated external defibrillation - immunity"</p> <p><b>Status: Signed by Governor 12/17/98; effective immediately</b></p>   | Person who possesses an AED must require all expected AED users to complete AED and CPR course offered or approved by AHA or other nationally recognized organization | Person who possesses an AED must consult with a physician regarding training and device maintenance and testing requirements | <p><u>May</u> notify EMS of AED location</p> <p>EMS shall be activated ASAP upon AED use</p> | Civil immunity for trainer and for physician providing a prescription for or consulting regarding AED; Civil and criminal immunity for user provided attempts to activate EMS, regardless whether user has received training | <p>Introduced 3/9/98</p> <p>Added sections 2305.235 and 370.85 of the Revised Code.</p> |
| ♥ OK  | <p><b>HB 1190</b> "An Act relating to emergency medical treatment; providing immunity from civil liability for certain qualified persons with certain exceptions; ...[and for] certain qualified entities with certain exceptions;..."</p> <p><b>Status: Approved by Governor 4/16/99; Effective 11/1/99</b></p> | CPR and AED training course of at least 4 hours; training providers and instructors shall be approved   |  |  | Immunity from civil liability for personal injury for: trained user who uses AED without expectation of compensation, and, person or entity which owns or controls AED provided requirements (e.g. training) are met.        | OK Statues Section 5A of Title 76.  |

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| ♥ OR  | <b>SB 313</b><br><br><b>Status: Approved by Governor 6/4/99</b>   | Immunity provisions only apply if person was trained in AED use and CPR to state approved course                          | Immunity provisions only apply if AED acquirer has sought medical direction from a licensed physician | AED user must notify 911 equivalent upon use.<br><br>AED acquirer must notify local EMS provider of location of the AED | Civil immunity provisions for person acquiring and maintaining an AED, AED user, AED and CPR instructor, and physician medical director, and any person that owns or exercises control over the property where the AED is used. | Chapter 220, 1999 Laws          |
| ♥ PA  | <b>HB 1897</b> "An Act ... Providing For Good Samaritan Civil Immunity for Use of an [AED]"<br><br><b>Status: Signed by Gov 12/15/98; Effective 60 days later</b> | AED Acquirer must ensure expected users trained to AHA, ARC or equivalent AED course approved by the Department of Health |   | AED acquirer must instruct user to activate EMS upon use of AED and make data available on request                      | Civil immunity for user, trained or not; Civil immunity for AED acquirer if complies with training, device maintenance / testing, and other requirements set forth in the Act.  | Added 42 PA.C.S. Section 8331.2 |
| ♥ RI  | <b>Section 9-1-34 General Laws of Rhode Island</b><br><br><b>Status: In effect</b>  | Training in accordance with standards promulgated by AHA or ARC   |   |   | Civil immunity for trained AED user, who gratuitously renders emergency care, whether acting in official capacity or as private volunteer   |                                 |

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|      | <p><b>SB 879</b></p> <p><b>Status: Passed 6/18/99, effective upon passage</b></p>   |   |  |  | Provides civil immunity to persons providing training in CPR and AED use to AHA or ARC standards, and to physicians providing medical direction for AED programs  | Amends Section 9-1-34 General Laws of Rhode Island   |
| ♥ SC | <p><b>SB 728</b> “The South Carolina [AED] act.” “... requires persons or entities that acquire an [AED] to comply with certain training, testing, and use procedures and [provides] immunity from civil liability when in compliance.”</p> <p><b>Status: Signed by Governor and effective 6/1/99</b></p> | AED acquirer shall require designated AED users to have current training in CPR and AED use by AHA, ARC, or NSC | AED acquirer must employ or obtain a physician, surgeon, PA, nurse or nurse practitioner to serve as AED liaison and approve AED program | AED protocol must include provision that user must notify EMS/911 upon use; use must notify AED; AED acquirer must report any clinical use of the AED to the AED liaison | Civil immunity provisions for user or entity acting gratuitously; for designated AED users meeting and acting per training requirements; for AED acquirer and AED liaison meeting requirements of the Act; and for the prescribing physician. | Provisions of this Act do not apply to EMS, physicians offices, or health care facilities.<br><br>Adds new Chapter 76 to Title 44, Code of Laws of South Carolina. |

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| ♥ SD  | <p><b>SB 83</b> "An Act to provide immunity from civil liability for the placement and use of [AEDs]"</p> <p><b>Status: Signed by Gov. 2/25/00</b></p> | AED training referred to but not specifically required by SB 83  | Person who obtains an AED must involve a physician to authorize in writing AED placement and compliance with the training, notification, and maintenance requirements | AED acquirer shall notify emergency communication dispatch center of location and type of AED; must report any AED use to the physician; must activate EMS system on use of AED | <p>Civil immunity for AED acquirer only if maintenance/testing, physician involvement requirements are met and if activates EMS on use of AED and reports emergency use of AED to physician;</p> <p>Civil immunity for trainer and for physician who provides services stated in this Act</p> <p>Note: 20-9-4.1 provides civil immunity to any person for good faith care during an emergency</p> |  |
| ♥ TN  | <p><b>HB 2970</b> "An Act...relative to [AED]s"</p> <p><b>Status: Signed by Gov. and effective 5/11/98</b></p>   | AED acquirer shall ensure that expected users are trained to AHA or equivalent national course - AED and CPR |   | <p>User must activate EMS upon AED use</p> <p>AED acquirer encouraged to register AED with emergency dispatch center</p>  |   | <p>Amended T.C.A. 63-6-218 and Title 68 Chapter 140</p> <p>See 63-6-218 Good Samaritan Law re: civil immunity for AED user</p> |

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| ♥     | <p>HB 1218 (HB 1158) "[Extends] civil liability immunity provided under Good Samaritan Law to use of [AED]s, providing training and testing requirements are met"</p> <p><b>Status: Status: Governor signed 6/17/99</b></p> | Entity shall ensure that expected AED users receive CPR and AED training approved by department of health | Department of health shall adopt rules specifying the requirements for medical supervision of an AED program | <p>Entity must notify appropriate emergency dispatch about the AED program and location of AED.</p> <p>Entity shall require that each time an AED is used EMS is summoned ASAP and the AED use is reported to the supervising physician</p> | <p>Civil immunity provision for entity responsible for AED program if applicable provisions of Bill, rules and written AED plan have been met by the entity and the AED user.</p> <p>Trainer in approved AED program shall be held harmless by his or her employer for damages caused by negligent training.</p> | <p>Note: Entity must establish program including written plan as outlined in the act and as specified by the department of health.</p> <p>Note: This act shall not apply where there is a duty to provide care.</p> <p>Amends TCA 63-6-218(b)(1) and (2)</p> |

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| ♥ TX  | <b>HB 580</b> An Act relating to [AED]s<br><br><b>Status: Signed by Governor 6/19/99; Effective 9/1/99</b>  | AED acquirer shall ensure that each user receives Texas approved CPR and AED training per rules to be established by the Department of Health | Licensed physician must be involved in the training program to ensure compliance; AED acquirer shall ensure AED is delivered by or on the prescription issued in the course of his practice | AED acquirer shall notify local EMS provider of location and type of AED<br><br>AED user shall promptly notify EMS provider upon use of AED | Civil immunity provision for prescribing physician, person/entity providing training; and person/entity acquiring AED <u>provided</u> in accordance with requirements of this chapter - AED acquirer who negligently fails to comply is liable for civil damages caused by such negligence; | Adds Chapter 779 to Subtitle B, Title 9 Health and Safety Code; amends Section 74.001(a) Civil Practice and Remedies Code |
|   | <b>SB 122</b> would provide immunity for AED user et al.<br><br><b>Status: Proposed</b> - introduced 1/12/99; Passed Senate - To House 4/12/99; House committee on Public Health reported favorably 4/28/99 |   |   |   |   |   |

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| ♥ UT | <p><b>HB 50</b> “An Act relating to health; extending immunity to a trained person who uses a <u>fully</u> automated external defibrillator in an emergency situation...” (emphasis added)</p> <p><b>Status: Approved by Governor 3/19/99; Effective 60 days after session adjourns</b></p> | <p>Section 26-8-7.5: a person who has received instruction in CPR and use of a fully automated external defibrillator conducted in accordance with guidelines of the AHA may use a fully automated defibrillator without a license, certificate, etc.</p> |  |  | <p>Contains immunity provisions for licensed physician or RN who provides emergency medical instructions and for person who is permitted to use a <u>fully</u> automated external defibrillator because of section 26-8-7.5, provided use of defibrillator is gratuitous and provided person appears to be in cardiac arrest</p> |                                     |
| ♥ VA | <p><b>HB 2097</b> “An Act ... relating to the use of [AED]s.</p> <p><b>Status: Approved by Governor 4/14/99; Effective 7/1/99</b></p>   | <p>Board of Health approved course in AED and CPR</p>   | <p>Physician required to supervise AED program as outlined in section 32.1-111.14:1.</p> | <p>Any AED acquirer, other than EMS or health care provider whose scope of practice encompasses such services, is required to register with the Board of Health.</p> | <p>Immunity for person who uses AED (without compensation - see bill for definition) and who has completed State CPR and AED training approved by the Board of Health.</p> <p>Civil immunity for any person who provides AED services at the scene of an emergency in compliance with section 32.1-111.14:1.</p>                 | <p>Code of VA 8.01-225.32.1-111</p> |

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| ♥ VT  | <b>S.283</b> "An Act relating to the use of heart defibrillator machines with appropriate training"<br><br><b>Status: Signed by Governor 5/17/00</b> | AED/CPR training in ARC, AHA or department approved course          | Person who owns/leases AED must "maintain relationship with physician to provide consultation | Person using AED must call 911<br><br>Person who owns/leases AED must notify the department  | Civil immunity for any person who renders emergency care, acquires an AED, or who is a licenced physician providing technical assistance to a person acquiring an AED provided has complied with the requirements of this legislation. (Excludes health care provider as defined in section 9432(8))  | 18 V.S.A. sect. 907<br><br>9432(8): "Health care provider" means a person, partnership, corporation, facility or institution, licensed or certified or authorized by law to provide professional health care service in this state to an individual during that individual's medical care, treatment or confinement. |
| ♥ WA  | <b>HB 2998</b> "Limited Immunity For Use of Semiautomatic External Defibrillators"<br><br><b>Status: Governor signed 3/25/98; Effective 6/11/98</b>  | Instruction in defibrillator use and CPR by a state approved course | Required: prescription and medical direction by physician                                     | AED acquirer shall notify local EMS of AED existence and location. Upon AED use user shall call 911 or equivalent and shall make follow up data available. | Civil immunity for AED user and anyone else providing services per this section<br><br>Note: The training, maintenance, medical direction, and notification requirements of this section do not apply to individual using an AED as good samaritan under RCW 4.24.300. (RCW 4.24.300 does not apply to persons rendering care during course of employment.) | RCW 70.54  |

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| ♥ WI | <p><b>AB 239</b> "An Act... relating to; limitations on and requirements for use of semiautomatic defibrillators by individuals other than emergency medical technicians and first responders - defibrillation, providing civil immunity for the use...".</p> <p><b>Status: Approved by Governor 7/28/99</b></p> | User must be trained in a course for which a physician serves as medical director and that is approved by the Department of Health & Family Services | Requires physician as medical director for training course | AED acquirer must provide written notification to nearest EMS re: type, location, intended usage area of AED | <p>Civil immunity for:</p> <p>User who meets training requirements;</p> <p>Physician medical director to the training course;</p> <p>Person who provides the AED under this law.</p> <p>Excludes health care professional who renders emergency care for compensation and within the scope of his or her usual and customary employment.</p> |  |
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| ♥ WV  | <p><b>HB 2269</b> established criteria for entities providing early defibrillation program, including training, physician involvement, notification of EMS about AED program, activating EMS when AED is used, and providing limitation of liability for compliance with the statutory provisions</p> <p><b>Status: Signed by Governor 4/1/99</b></p> | Training in CPR, AED, and advanced directives from AHA, ARC, any other nationally recognized or OEMS approved training program | Duly licensed physician to serve as medical director re: training, coordinating with EMS, deployment strategies, review each use of AED | Entity providing AED program shall register with OEMS per requirements outlined in 16-4C; shall notify local dispatch of AED program, User shall activate EMS upon use of AED, and shall report use of AED to medical director and per OEMS guidelines | Person not liable for civil damages provided complies with Section 3 and provided renders emergency care gratuitously and other than in the ordinary course of the person's employment or profession. | New Section 16-4D-1 through -4 of WVC, 1931. |

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| ♥ WY | <p><b>HB 178</b> "An Act...providing for the use of [AED]s as specified; providing immunity as specified..."</p> <p><b>Status: Signed by Governor 3/3/99; Effective 7/1/99</b></p> | <p>AED acquirer shall ensure that expected users receive training in CPR and AED use by AHA, ARC or other nationally or Wyoming department of health recognized course; refresher training every two years</p> | <p>"Involvement of a licensed physician" required to ensure compliance with training, notification, and device maintenance requirements</p> | <p>AED acquirer must notify emergency communication center and local ambulance service of existence, location, and type of AED</p> <p>Any use of AED must be reported to the licensed physician</p> | <p>Immunity from civil liability for personal injury for (a) trained person who uses AED without compensation and (b) for prescribing physician, training provider and person responsible for site where AED is located if complies with requirements of this act</p> | <p>Introduced 1/15/99; Created new W.S. 35-25-101 through 103.</p> |
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