

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

715C0461

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB138** - 2/25/99

Introduced by: Senators Hainje, Brown (Arnold), Drake, and Lawler and Representatives Fiegen, Broderick, Cerny, Cutler, Eccarius, and Windhorst

1 FOR AN ACT ENTITLED, An Act to provide limited liability for the use of automated external
2 defibrillators.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For the purposes of this Act, AED means an automated external defibrillator.

5 Section 2. Any person who acquires an AED shall ensure that:

6 (1) Expected AED users receive American Heart Association training in cardiopulmonary
7 and AED use, or an equivalent nationally recognized course in cardiopulmonary and
8 AED use;

9 (2) The defibrillator is maintained and tested according to the manufacturer's operational
10 guidelines;

11 (3) There is involvement of a licensed physician in the site's program to ensure
12 compliance with requirements for training, notification, and maintenance; and

13 (4) Any person who renders emergency care or treatment on a person in cardiac arrest
14 by using an AED activates the emergency medical services system as soon as possible
15 and reports any clinical use of the AED to the licensed physician or medical authority.

16 Section 3. Any person who acquires an AED shall notify an agent of the emergency

1 communications or vehicle dispatch center of the existence, location, and type of AED.

2 Section 4. Any person, who in good faith and without compensation, renders emergency care
3 or treatment by the use of an AED is immune from civil liability for any personal injury as a result
4 of such care or treatment, or as a result of an act or failure to act in providing or arranging
5 further medical treatment. The immunity from civil liability for any personal injury under this
6 section includes the licensed physician who is involved with AED site placement, the person who
7 provides the cardiopulmonary and AED site placement, the person who provides the
8 cardiopulmonary and AED training, and the person responsible for the site where the AED is
9 located. This immunity applies only if the requirements of section 2 of this Act are fulfilled.

10 The immunity from civil liability under this Act does not apply if the personal injury results
11 from the gross negligence or willful or wanton misconduct of the person rendering such
12 emergency care.

1 **BILL HISTORY**

2 1/26/99 First read in Senate and referred to Judiciary. S.J. 194

3 1/28/99 Senate Referred to Health and Human Services. S.J. 239

4 1/29/99 Scheduled for Committee hearing on this date.

5 2/3/99 Scheduled for Committee hearing on this date.

6 2/3/99 Health and Human Services Do Pass, Passed, AYES 7, NAYS 0. S.J. 316

7 2/4/99 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 340

8 2/5/99 First read in House and referred to Judiciary. H.J. 406

9 2/19/99 Scheduled for Committee hearing on this date.

10 2/19/99 Judiciary Deferred to another day.

11 2/24/99 Judiciary Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 732

12 2/24/99 Judiciary Place on Consent Calendar.

13 2/24/99 Scheduled for Committee hearing on this date.