

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

390N0468

HOUSE BILL NO. 1105

Introduced by: Representatives Van Etten, Carson, Cutler, Faehn, Hackl, Juhnke, Miles, Noem, Olson (Betty), Peters, Pitts, Rave, Turbiville, Weems, and Wick and Senators Lintz, Abdallah, Gant, Gray, Hansen (Tom), Jerstad, Koetzle, Maher, McCracken, Napoli, Olson (Ed), Peterson (Jim), Smidt, and Two Bulls

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to immunity from civil
2 liability for the placement and use of automated external defibrillators.

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

4 Section 1. That § 20-9-4.3 be amended to read as follows:

5 20-9-4.3. Terms used in §§ 20-9-4.3 to 20-9-4.8, inclusive, mean:

6 (1) "AED," an automated external defibrillator;

7 (2) "Person," a natural person, organization, corporation, partnership, limited
8 partnership, joint venture, association, government entity, or any other legal or
9 commercial entity;

10 ~~—(3)—"Physician," a physician licensed pursuant to chapter 36-4.~~

11 Section 2. That § 20-9-4.4 be amended to read as follows:

12 20-9-4.4. Any person, who in good faith obtains, uses, attempts to use, or chooses not to use
13 an AED ~~for use~~ in providing emergency care or treatment, is immune from civil liability for any
14 injury as a result of such emergency care or treatment or as a result of an act or failure to act in



1 providing or arranging such medical treatment. This immunity applies only if the following
2 requirements are fulfilled:

3 ~~—(1)— The person tests and maintains the AED, or arranges to have such testing and~~
4 ~~maintenance performed on the AED pursuant to the AED manufacturer's~~
5 ~~specifications;~~

6 ~~—(2)— The person involves a physician to authorize in writing AED placement and~~
7 ~~compliance with the requirements for AED training, notification of placement and~~
8 ~~use, and maintenance;~~

9 ~~—(3)— An emergency medical services system is activated when an AED has been used to~~
10 ~~render emergency care or treatment; and~~

11 ~~—(4)— The person has reported any emergency use of the AED to the physician.~~

12 Section 3. That § 20-9-4.5 be repealed.

13 ~~—20-9-4.5. Any physician who provides those services stated in subdivision 20-9-4.4(2) is~~
14 ~~immune from civil liability for any personal injury that occurs as a result of emergency care or~~
15 ~~treatment rendered using the AED or as a result of an act or failure to act in providing or~~
16 ~~arranging such medical treatment.~~

17 Section 4. That § 20-9-4.7 be repealed.

18 ~~—20-9-4.7. Any person who acquires an AED shall notify an agent of the emergency~~
19 ~~communications or vehicle dispatch center of the existence, location, and type of AED.~~