

1 S.11

2 Introduced by Senator Mullin of Rutland District and Senator Sears of

3 Bennington District

4 Referred to Committee on

5 Date:

6 Subject: Public health; automated external defibrillators; public places; study;

7 limited immunity

8 Statement of purpose: This bill proposes to require the commissioner of health
9 to study the costs and benefits of mandating the placement of automated
10 external defibrillators (AEDs) in public places. The bill also proposes to
11 provide Good Samaritan limited immunity to persons who provide emergency
12 care and services related to AEDs, and proposes that AED training
13 requirements apply to anticipated lay rescuers. The bill removes the
14 prohibition on using an AED before the training is completed.

15 AN ACT RELATING TO AUTOMATED EXTERNAL
16 DEFIBRILLATORS

17 It is hereby enacted by the General Assembly of the State of Vermont:

18 Sec. 1. STUDY OF AUTOMATED EXTERNAL DEFIBRILLATORS IN

19 PUBLIC PLACES

1 The commissioner of health, in consultation with the American Red Cross
2 and the American Heart Association, shall study the costs and benefits of
3 requiring the placement of automated external defibrillators (AEDs) in public
4 places. The study shall include recommendations regarding: appropriate
5 training for the use of AEDs; best practice program elements, including
6 measures for quality improvement; standards for immunity protection for AED
7 use; a prioritized list of public places, such as senior centers, health clubs, and
8 schools, where AED placement would be most appropriate; maintenance of a
9 statewide AED registry; and any other standards or procedures that would
10 facilitate the lifesaving use and distribution of AEDs throughout Vermont.
11 The commissioner's findings and recommendations shall be reported to the
12 general assembly not later than January 1, 2009.

13 Sec. 2. 18 V.S.A. § 907 is amended to read:

14 § 907. AUTOMATED EXTERNAL DEFIBRILLATORS

15 (a) “Automated external defibrillator (AED)” means a medical device
16 approved by the United States Food and Drug Administration, that:

17 (1) is capable of recognizing the presence or absence of ventricular
18 fibrillation or rapid ventricular tachycardia;

19 (2) is capable of determining whether defibrillation should be performed
20 on an individual;

1 (3) upon determination that defibrillation should be performed,
2 automatically charges and requests delivery of an electrical impulse to an
3 individual's heart; and

4 (4) then, upon action by an operator, delivers an appropriate electrical
5 impulse to the patient's heart to perform defibrillation.

6 (b) ~~No person may operate an AED unless the person has successfully~~
7 ~~completed~~ Anticipated lay rescuers shall complete a training course in the
8 operation of the AED approved by the American Red Cross, the American
9 Heart Association, or by the department, in cardiopulmonary resuscitation and
10 use of a defibrillator. The department of health may provide periodic training
11 bulletins and other information to persons owning and using the AED. The
12 training course in cardiopulmonary resuscitation (CPR) and in the use of an
13 AED shall be either a course offered by the American Heart Association or the
14 American Red Cross. A person using an AED shall be certain that emergency
15 personnel have been summoned by calling 911. ~~This prohibition and~~ training
16 requirement shall not apply to a health care provider, as defined in section
17 9432(8) of this title, if the person has received appropriate training in the use of
18 the AED as part of his or her education or training.

19 (c) Any person who owns or leases an AED shall:

1 (1) maintain a relationship with a physician to provide technical
2 assistance and consultation regarding the selection and location of an AED,
3 training of potential operators, protocols for use, and individual case review;

4 (2) notify the department of the existence, location, and type of device it
5 possesses; and

6 (3) maintain and test the device in accordance with the applicable
7 standards of the manufacturer and any rule adopted by the department.

8 (d)(1) Any person, ~~other than a person defined as a health care provider by~~
9 ~~section 9432(8) of this title~~, who acts in good faith and ~~has complied in all~~
10 ~~material respects with the requirements of subsections (b) and (c) of this~~
11 ~~section and~~ who renders emergency care by the use of an AED, acquires an
12 AED, owns a premises on which an AED is located, provides a training course
13 that complies with the requirements in subsection (b) of this section, or is a
14 licensed physician providing who writes a prescription for an AED or provides
15 technical assistance to a person acquiring an AED, shall not be liable for civil
16 damages for that person's acts or omissions unless those acts or omissions
17 were grossly negligent or willful and wanton.

18 (2) This subsection shall not relieve an AED manufacturer, designer,
19 developer, distributor, installer, or supplier of any liability under any
20 applicable statute or rule of law.