

H.34

Introduced by Representatives Lippert of Hinesburg, Bray of New Haven,  
Donaghy of Poultney, Johnson of South Hero, Keenan of St.  
Albans City, McFaun of Barre Town, Minter of Waterbury,  
Pellett of Chester, Shand of Weathersfield, Sharpe of Bristol  
and Till of Jericho

Referred to Committee on

Date:

Subject: Public health; automated external defibrillators; limited immunity

Statement of purpose: This bill proposes to provide Good Samaritan limited  
immunity to persons who provide emergency care and services related to  
automated external defibrillators (AEDs). The bill also proposes that AED  
training requirements apply to anticipated lay rescuers, but removes the  
prohibition on using an AED before the training is completed.

An act relating to automated external defibrillators

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

Sec. 1. 18 V.S.A. § 907 is amended to read:

§ 907. AUTOMATED EXTERNAL DEFIBRILLATORS

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

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

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

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

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

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

1 9432(8) of this title, if the person has received appropriate training in the use of  
2 the AED as part of his or her education or training.

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

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

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

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

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

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