H.34

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) As used in this section:

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

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

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

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

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

(b) ~~No person may operate an AED unless the person has successfully completed a training course in the operation of the AED approved by the American Red Cross, the American Heart Association, or by the department, in cardiopulmonary resuscitation and use of a defibrillator. The department of~~

~~health may provide periodic training bulletins and other information to persons owning and using the AED. The training course in cardiopulmonary resuscitation (CPR) and in the use of an AED shall be either a course offered by the American Heart Association or the American Red Cross. A person using an AED shall be certain that emergency personnel have been summoned by calling 911. This prohibition and training requirement shall not apply to a health care provider, as defined in section 9432(8) of this title, if the person has received appropriate training in the use of the AED as part of his or her education or training.~~

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

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

~~(2)~~ notify the department and the person's regional ambulance service or first responder service of the existence, location, and type of device ~~it~~ the person possesses; and

~~(3)~~(2) maintain and test the device in accordance with the applicable standards of the manufacturer ~~and any rule adopted by the department~~.

(d)(1) Any person, other than a person defined as a health care provider by section 9432(8) of this title or as emergency medical personnel by section 2651(6) of title 24 acting in the normal course of his or her duties as a health

care provider or as emergency medical personnel, who acts in good faith and ~~has complied in all material respects with the requirements of subsections (b) and (c) of this section and~~ who renders emergency care by the use of an AED, acquires an AED, owns a premises on which an AED is located, or provides a training course in the operation of an AED ~~or is a licensed physician providing technical assistance to a person acquiring an AED,~~ shall not be liable for civil damages for that person's acts or omissions unless those acts or omissions were grossly negligent or willful and wanton.

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

(e) This section shall not be construed to create a duty to act under section 519 of Title 12 for any person.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.