H.14

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~~ U.S. Food and Drug Administration, that:

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

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

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

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

(b) [Deleted].

(c) Any person who owns or leases an AED, or to whom an AED is donated, shall:

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

(2) maintain and test the device in accordance with the applicable standards of the manufacturer.

(d)(1) Any person, other than a person defined as a health care provider by subdivision 9432(9) of this title or as emergency medical personnel by 24 V.S.A. § 2651(6) 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 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 shall not be liable for civil damages for that person's acts or omissions with respect to such use, ownership, or training in the operation of an AED unless those acts or omissions were grossly negligent or willful and wanton. As used in this subdivision (d)(1), "ownership" shall not include the maintenance and testing of the device in accordance with the applicable standards of the manufacturer as required by subdivision (c)(2) of this section.

(2) This subsection shall not relieve an AED manufacturer, designer, developer, distributor, installer, or ~~supplier~~ seller 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 12 V.S.A. § 519 for any person.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.