

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 14
3 entitled “An act relating to automated external defibrillators” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

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

8 § 907. AUTOMATED EXTERNAL DEFIBRILLATORS

9 (a) As used in this section:

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

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

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

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

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

21 (b) [Deleted].

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

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

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

8 (d)(1) Any person, other than a person defined as a health care provider by
9 subdivision 9432(9) of this title or as emergency medical personnel by 24
10 V.S.A. § 2651(6) acting in the normal course of his or her duties as a health
11 care provider or as emergency medical personnel, who acts in good faith and
12 who renders emergency care by the use of an AED, acquires an AED, owns a
13 premises on which an AED is located, or provides a training course in the
14 operation of an AED shall not be liable for civil damages for that person's acts
15 or omissions with respect to such use, ownership, or training in the operation
16 of an AED unless those acts or omissions were grossly negligent or willful and
17 wanton. As used in this subdivision (d)(1), "ownership" shall not include
18 maintaining and testing the device in accordance with the applicable standards
19 of the manufacturer as required by subdivision (c)(2) of this section.

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

4 (e) This section shall not be construed to create a duty to act under 12
5 V.S.A. § 519 for any person.

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on passage.

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14 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE