

(LIMITED RUN FOR ALL ADDITIONAL SPONSORSHIPS)

CS FOR SENATE BILL NO. 160(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/14/03

Referred: Judiciary

Sponsor(s): SENATORS OLSON, Therriault, Wilken, Dyson, Davis, Seekins, Bunde, Cowdery, Green,
Wagoner, Ogan

REPRESENTATIVES Lynn, Seaton, Chenault

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil liability for use or attempted use of an automated external**
2 **defibrillator; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 09.65 is amended by adding a new section to read:

5 **Sec. 09.65.087. Civil liability for use of an automated external**
6 **defibrillator.** (a) A person who uses or attempts to use an automated external
7 defibrillator device on a victim of a perceived medical emergency is not liable for civil
8 damages resulting from the use or attempted use of the device. This subsection does
9 not apply to civil damages resulting from a failure to notify the appropriate emergency
10 medical services agency.

11 (b) A person who acquires or provides an automated external defibrillator
12 device for use on a victim of a perceived medical emergency is not liable for civil
13 damages resulting from the use or attempted use of the device. This subsection does
14 not apply to civil damages resulting from the failure of the person who acquires or

1 provides the device to

2 (1) notify the local emergency medical response authority or other
3 appropriate entity of the most recent placement of the device within 30 days following
4 placement of the device;

5 (2) properly maintain and test the device;

6 (3) provide, within a reasonable proximity to the device's usual
7 location, a means of notifying the local emergency medical response authority that an
8 emergency exists in the event that a medical emergency occurs where the device is
9 used; or

10 (4) provide appropriate training in the use of the device to an employee
11 or agent of the person who acquires or provides the device; however, this paragraph
12 does not apply and immunity is provided under this subsection if the period of time
13 elapsing between hiring the person as an employee or agent and the occurrence of the
14 harm, or between the acquisition of the device and the occurrence of the harm in any
15 case in which the device was acquired after hiring the employee or agent, was not in
16 excess of six months.

17 (c) The immunity provided by (b) of this section does not apply to a
18 manufacturer of an automated external defibrillator.

19 (d) In this section, "appropriate training" means that the individual has
20 completed an automated external defibrillator training course from the American
21 Heart Association, the American Red Cross, or another automated external
22 defibrillator training course approved by the Department of Health and Social
23 Services.

24 * **Sec. 2.** AS 09.65.090(e) and 09.65.090(f) are repealed.

25 * **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to
26 read:

27 **APPLICABILITY.** This Act applies to a civil action that accrues on or after the
28 effective date of this Act.

29 * **Sec. 4.** This Act takes effect July 1, 2003.