

By: Representatives Barnett (92nd),
Ellington, Howell, Malone, Martinson,
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To: Public Health and
Welfare

HOUSE BILL NO. 954
(As Passed the House)

1 AN ACT TO AUTHORIZE ANY PERSON TO USE AN AUTOMATED EXTERNAL
2 DEFIBRILLATOR FOR THE PURPOSE OF SAVING THE LIFE OF ANOTHER PERSON
3 IN SUDDEN CARDIAC DEATH IF THEY MEET THE REQUIREMENTS OF THIS ACT;
4 TO REQUIRE PERSONS WHO USE AUTOMATED EXTERNAL DEFIBRILLATORS TO
5 OBTAIN APPROPRIATE TRAINING AND TO ACTIVATE THE EMERGENCY MEDICAL
6 SERVICES SYSTEM UPON USE OF THE DEFIBRILLATOR; TO AMEND SECTION
7 73-25-37, MISSISSIPPI CODE OF 1972, TO PROVIDE IMMUNITY FROM CIVIL
8 LIABILITY TO CERTAIN PERSONS RENDERING EMERGENCY CARE IN GOOD
9 FAITH WITH AN AUTOMATED EXTERNAL DEFIBRILLATOR; AND FOR RELATED
10 PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. The Legislature of the State of Mississippi finds
13 that:

14 (a) Each year more than two hundred fifty thousand
15 (250,000) Americans die from out-of-hospital sudden cardiac
16 arrest. More than ninety-five percent (95%) of those persons
17 having cardiac arrest die, in many cases because lifesaving
18 defibrillators arrive on the scene too late, if at all;

19 (b) The American Heart Association estimates that more
20 than twenty thousand (20,000) deaths could be prevented each year
21 if defibrillators were more widely available to designated
22 responders; and

23 (c) Many communities around the country have invested
24 in 911 emergency response systems, emergency personnel, and
25 ambulance vehicles, but many of them do not have enough
26 defibrillators in their community.

27 Therefore, it is the intent of this act to encourage greater
28 acquisition, deployment and use of automated external
29 defibrillators in communities across the State of Mississippi.

30 SECTION 2. As used in this act:

31 (a) "AED" means an automated external defibrillator,
32 which is a device, heart monitor and defibrillator that:

33 (i) Has received approval of its pre-market
34 notification filed under 21 USCS, Section 360(k) from the United
35 States Food and Drug Administration;

36 (ii) Is capable of recognizing the presence or
37 absence of ventricular fibrillation, which is an abnormal heart
38 rhythm that causes the ventricles of the heart to quiver and
39 renders the heart unable to pump blood, or rapid ventricular
40 tachycardia, which is a rapid heartbeat in the ventricles and is
41 capable of determining, without intervention by an operator,
42 whether defibrillation should be performed; and

43 (iii) Upon determining that defibrillation should
44 be performed, automatically charges and advises the operator to
45 deliver hands-free external electrical shock to patients to
46 terminate ventricular fibrillation or ventricular tachycardia when
47 the heart rate exceeds a preset value.

48 (b) "Emergency medical services (EMS) notification"
49 means activation of the 911 emergency response system or the
50 equivalent.

51 SECTION 3. Any person may use an automated external
52 defibrillator for the purpose of saving the life of another person
53 in sudden cardiac death, subject to the following requirements:

54 (a) A Mississippi licensed physician must exercise
55 medical control authority over the person using the AED to ensure
56 compliance with requirements for training, emergency medical
57 services (EMS) notification and maintenance;

58 (b) The person using the AED must have received
59 appropriate training in cardiopulmonary resuscitation (CPR) and in
60 the use of an AED by the American Heart Association, American Red
61 Cross, National Safety Council or other nationally recognized
62 course in CPR and AED use;

63 (c) The AED must not operate in a manual mode except

64 when access control devices are in place or when appropriately
65 licensed individuals such as registered nurses, physicians or
66 emergency medical technician-paramedics utilize the AED; and

67 (d) Any person who renders emergency care or treatment
68 on a person in sudden cardiac death by using an AED must activate
69 the EMS system as soon as possible, and report any clinical use of
70 the AED to the licensed physician.

71 SECTION 4. An individual may use an AED if all of the
72 requirements of Section 3 of this act are met. However, nothing
73 in this act shall limit the right of an individual to practice a
74 health occupation that the individual is otherwise authorized to
75 practice under the laws of Mississippi.

76 SECTION 5. Section 73-25-37, Mississippi Code of 1972, is
77 amended as follows:

78 73-25-37. (1) No duly licensed, practicing physician,
79 dentist, registered nurse, licensed practical nurse, certified
80 registered emergency medical technician, or any other person who,
81 in good faith and in the exercise of reasonable care, renders
82 emergency care to any injured person at the scene of an emergency,
83 or in transporting the injured person to a point where medical
84 assistance can be reasonably expected, shall be liable for any
85 civil damages to the injured person as a result of any acts
86 committed in good faith and in the exercise of reasonable care or
87 omissions in good faith and in the exercise of reasonable care by
88 such persons in rendering the emergency care to the injured
89 person.

90 (2) (a) Any person who in good faith, with or without
91 compensation, renders emergency care or treatment by the use of an
92 automated external defibrillator (AED) in accordance with the
93 provisions of Section 1 through 4 of this act, shall be immune
94 from civil liability for any personal injury as a result of that
95 care or treatment, or as a result of any act, or failure to act,
96 in providing or arranging further medical treatment, where the

97 person acts as an ordinary, reasonably prudent person would have
98 acted under the same or similar circumstances and the person's
99 actions or failure to act does not amount to willful or wanton
100 misconduct or gross negligence.

101 (b) The immunity from civil liability for any personal
102 injury under subsection (2)(a) of this section includes the
103 licensed physician who is involved with AED site placement, and
104 the person who provides the CPR and AED training.

105 (c) The immunity from civil liability under subsection
106 (2)(a) of this section does not apply if the personal injury
107 results from the gross negligence or willful or wanton misconduct
108 of the person rendering the emergency care.

109 SECTION 6. This act shall take effect and be in force from
110 and after July 1, 1999.