

By: Representatives Barnett (92nd),  
Ellington, Howell, Malone, Martinson,  
Compretta, Davis

To: Public Health and  
Welfare

HOUSE BILL NO. 954  
(As Sent to Governor)

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. As used in this act:

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

15 (i) Has received approval of its premarket  
16 notification filed under 21 USCS, Section 360(k) from the United  
17 States Food and Drug Administration;

18 (ii) Is capable of recognizing the presence or  
19 absence of ventricular fibrillation, which is an abnormal heart  
20 rhythm that causes the ventricles of the heart to quiver and  
21 renders the heart unable to pump blood, or rapid ventricular  
22 tachycardia, which is a rapid heartbeat in the ventricles and is  
23 capable of determining, without intervention by an operator,  
24 whether defibrillation should be performed; and

25 (iii) Upon determining that defibrillation should  
26 be performed, automatically charges and advises the operator to  
27 deliver hands-free external electrical shock to patients to  
28 terminate ventricular fibrillation or ventricular tachycardia when  
29 the heart rate exceeds a preset value.

30 (b) "Emergency medical services (EMS) notification"

means activation of the 911 emergency response system or the equivalent.

SECTION 2. Any person may use an automated external defibrillator for the purpose of saving the life of another person in sudden cardiac death, subject to the following requirements:

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

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

(c) The AED must not operate in a manual mode except when access control devices are in place or when appropriately licensed individuals such as registered nurses, physicians or emergency medical technician-paramedics utilize the AED; and

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

SECTION 3. An individual may use an AED if all of the requirements of Section 2 of this act are met. However, nothing in this act shall limit the right of an individual to practice a health occupation that the individual is otherwise authorized to practice under the laws of Mississippi.

SECTION 4. Section 73-25-37, Mississippi Code of 1972, is amended as follows:

73-25-37. (1) No duly licensed, practicing physician, dentist, registered nurse, licensed practical nurse, certified registered emergency medical technician, or any other person who, in good faith and in the exercise of reasonable care, renders

64 emergency care to any injured person at the scene of an emergency,  
65 or in transporting the injured person to a point where medical  
66 assistance can be reasonably expected, shall be liable for any  
67 civil damages to the injured person as a result of any acts  
68 committed in good faith and in the exercise of reasonable care or  
69 omissions in good faith and in the exercise of reasonable care by  
70 such persons in rendering the emergency care to the injured  
71 person.

72 (2) (a) Any person who in good faith, with or without  
73 compensation, renders emergency care or treatment by the use of an  
74 automated external defibrillator (AED) in accordance with the  
75 provisions of Sections 1 through 3 of this act, shall be immune  
76 from civil liability for any personal injury as a result of that  
77 care or treatment, or as a result of any act, or failure to act,  
78 in providing or arranging further medical treatment, where the  
79 person acts as an ordinary, reasonably prudent person would have  
80 acted under the same or similar circumstances and the person's  
81 actions or failure to act does not amount to willful or wanton  
82 misconduct or gross negligence.

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

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

91 SECTION 5. This act shall take effect and be in force from  
92 and after July 1, 1999.