

By: Senator(s) Burton

To: Public Health and
Welfare; Judiciary

SENATE BILL NO. 2179

1 AN ACT TO AUTHORIZE ANY PERSON TO USE AN AUTOMATIC EXTERNAL
2 DEFIBRILLATOR FOR THE PURPOSE OF SAVING THE LIFE OF ANOTHER PERSON
3 IN CARDIAC ARREST; TO REQUIRE PERSONS WHO USE AUTOMATIC EXTERNAL
4 DEFIBRILLATORS TO OBTAIN APPROPRIATE TRAINING AND TO ACTIVATE THE
5 EMERGENCY MEDICAL SERVICES SYSTEM UPON USE OF THE DEFIBRILLATOR;
6 TO ENCOURAGE PERSONS WHO POSSESS AN AUTOMATIC EXTERNAL
7 DEFIBRILLATOR TO REGISTER WITH THE LOCAL EMERGENCY MEDICAL
8 SERVICES AUTHORITIES; TO AMEND SECTION 73-25-37, MISSISSIPPI CODE
9 OF 1972, TO PROVIDE IMMUNITY FROM CIVIL LIABILITY TO PERSONS
10 RENDERING EMERGENCY CARE IN GOOD FAITH WITH AN AUTOMATIC EXTERNAL
11 DEFIBRILLATOR; AND FOR RELATED PURPOSES.

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

13 SECTION 1. (1) The Legislature finds that:

14 (a) The number of deaths due to sudden cardiac arrest
15 is too high;

16 (b) The key to preventing this high number of deaths is
17 to dramatically expand the availability of defibrillation therapy
18 in a timely fashion;

19 (c) Recent breakthroughs in automatic external
20 defibrillator technology have resulted in the availability of
21 devices that have proven to be exceptionally safe and effective in
22 treating sudden cardiac arrest;

23 (d) These new devices are virtually maintenance free,
24 safe and easy to use with minimum training, small, lightweight,
25 durable and less expensive; and

26 (e) The widespread availability of these new devices
27 will make sudden cardiac arrest a truly treatable disease,
28 preventing hundreds of unnecessary deaths.

29 (2) The Legislature has determined that it is in the public
30 interest to make these devices readily available to the general

31 public, but that the public should be trained to properly use
32 these devices and to activate the emergency medical services
33 system immediately upon using the device.

34 SECTION 2. Any person may use an automatic external
35 defibrillator for the purpose of saving the life of another person
36 in cardiac arrest. However, in order to ensure public health and
37 safety:

38 (a) All persons who have access to or use an automatic
39 external defibrillator shall obtain appropriate training, which
40 includes completion of a course in cardiopulmonary resuscitation
41 (CPR) or successful completion of a basic first aid course that
42 includes cardiopulmonary resuscitation training and demonstrated
43 proficiency in the use of an automatic external defibrillator;

44 (b) Any person or entity in possession of an automatic
45 external defibrillator is encouraged to register with the local
46 emergency medical services authorities the existence and location
47 of the automatic external defibrillator; and

48 (c) Any person who uses an automatic external
49 defibrillator shall activate the emergency medical services system
50 as soon as possible upon use of the automatic external
51 defibrillator.

52 SECTION 3. Section 73-25-37, Mississippi Code of 1972, is
53 amended as follows:

54 73-25-37. (1) No duly licensed, practicing physician,
55 dentist, registered nurse, licensed practical nurse, certified
56 registered emergency medical technician, or any other person who,
57 in good faith and in the exercise of reasonable care, renders
58 emergency care to any injured person at the scene of an emergency,
59 or in transporting the injured person to a point where medical
60 assistance can be reasonably expected, shall be liable for any
61 civil damages to the injured person as a result of any acts
62 committed in good faith and in the exercise of reasonable care or
63 omissions in good faith and in the exercise of reasonable care by
64 such persons in rendering the emergency care to the injured
65 person.

66 (2) No person, including those licensed to practice
67 medicine, who gratuitously and in good faith renders emergency

68 care or treatment by the use of or provision of an automatic
69 external defibrillator, without objection of the injured victim or
70 victims thereof, shall be liable for any civil damages as a result
71 of such care or treatment or as a result of any act or failure to
72 act in providing or arranging further medical treatment where the
73 person acts as an ordinary reasonably prudent person would have
74 acted under the same or similar circumstances.

75 SECTION 4. This act shall take effect and be in force from
76 and after July 1, 1999.