

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 954**

**By Senator(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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 pre-market  
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"  
31 means activation of the 911 emergency response system or the  
32 equivalent.

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

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

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

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

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

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

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

60           73-25-37. (1) No duly licensed, practicing physician,  
61 dentist, registered nurse, licensed practical nurse, certified  
62 registered emergency medical technician, or any other person who,  
63 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

**99\SS02\HB954A.J \*SS02/HB954AJ\***

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.