

By: Representatives Moody, Flaggs

To: Public Health and Welfare

HOUSE BILL NO. 749  
(As Passed the House)

1 AN ACT TO AMEND SECTION 41-60-33, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ANY PERSON WHO OWNS OR LEASES AN AUTOMATED  
3 EXTERNAL DEFIBRILLATOR (AED) THAT IS FOR USE OUTSIDE OF A HEALTH  
4 CARE FACILITY MUST HAVE A MISSISSIPPI LICENSED PHYSICIAN REVIEW  
5 AND APPROVE THE CLINICAL PROTOCOL FOR THE USE OF THE AED, REVIEW  
6 AND ADVISE REGARDING THE TRAINING AND SKILL MAINTENANCE OF THE  
7 INTENDED USERS OF THE AED AND ASSURE PROPER REVIEW OF ALL  
8 SITUATIONS WHEN THE AED IS USED TO RENDER EMERGENCY CARE; TO  
9 PROVIDE IMMUNITY FROM CIVIL LIABILITY FOR THE GOOD FAITH USE OF AN  
10 AED TO PROVIDE EMERGENCY CARE; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 41-60-33, Mississippi Code of 1972, is  
13 amended as follows:

14 41-60-33. (1) Any person may use an automated external  
15 defibrillator for the purpose of saving the life of another person  
16 in sudden cardiac death, subject to the following requirements:

17 (a) Any person who owns or leases an AED that is for  
18 use outside of a health care facility must have a Mississippi  
19 licensed physician review and approve the clinical protocol for  
20 the use of the AED, review and advise regarding the training and  
21 skill maintenance of the intended users of the AED and assure  
22 proper review of all situations when the AED is used to render  
23 emergency care;

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

29 (c) The AED must be maintained and tested according to  
30 the manufacturer's operational guidelines, and must not operate in  
31 a manual mode except when access control devices are in place or



32 when appropriately licensed individuals such as registered nurses,  
33 physicians or emergency medical technician-paramedics utilize the  
34 AED; and

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

39 (2) Any person who has had appropriate training, including a  
40 course in CPR, has demonstrated a proficiency in the use of an  
41 AED, and who gratuitously and in good faith renders emergency care  
42 when medically appropriate by use of or provision of an AED,  
43 without objection of the injured victim or victims thereof, shall  
44 not be held liable for any civil damages as a result of that care  
45 or treatment, where the person acts as an ordinarily reasonable,  
46 prudent person, or with regard to a health care professional,  
47 including the licensed physician who reviews and approves the  
48 clinical protocol, as a reasonably prudent and careful health care  
49 provider would have acted, under the same or similar  
50 circumstances.

51 **SECTION 2.** This act shall take effect and be in force from  
52 and after July 1, 2003.

