

By: Senator(s) White

To: Judiciary, Division A

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2234

1 AN ACT TO AMEND SECTION 73-25-37, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND IMMUNITY FOR THE GOOD FAITH USE OF AN AUTOMATED EXTERNAL  
3 DEFIBRILLATOR BY A PERSON UNTRAINED IN ITS USE; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 73-25-37, Mississippi Code of 1972, is  
7 amended as follows:

8 73-25-37. (1) No duly licensed, practicing physician,  
9 physician assistant, dentist, registered nurse, licensed practical  
10 nurse, certified registered emergency medical technician, or any  
11 other person who, in good faith and in the exercise of reasonable  
12 care, renders emergency care to any injured person at the scene of  
13 an emergency, or in transporting the injured person to a point  
14 where medical assistance can be reasonably expected, shall be  
15 liable for any civil damages to the injured person as a result of  
16 any acts committed in good faith and in the exercise of reasonable  
17 care or omissions in good faith and in the exercise of reasonable  
18 care by such persons in rendering the emergency care to the  
19 injured person.

20 (2) (a) Any person who in good faith, with or without  
21 compensation, renders emergency care or treatment by the use of an  
22 automated external defibrillator (AED) in accordance with the  
23 provisions of Sections 41-60-31 through 41-60-35, as well as the  
24 person responsible for the site where the AED is located if the  
25 person has provided for compliance with the provisions of Sections  
26 41-60-31 through 41-60-35, shall be immune from civil liability  
27 for any personal injury as a result of that care or treatment, or  
28 as a result of any act, or failure to act, in providing or

29 arranging further medical treatment, where the person acts as an  
30 ordinary, reasonably prudent person would have acted under the  
31 same or similar circumstances and the person's actions or failure  
32 to act does not amount to willful or wanton misconduct or gross  
33 negligence.

34 (b) A person who has not complied with the provisions  
35 of Sections 41-60-31 through 41-60-35, but who has access to an  
36 AED and uses it in good faith in an emergency as an ordinary  
37 prudent person would have done in the same or similar  
38 circumstances, shall be immune from civil liability for any  
39 personal injury as a result of an act or omission related to the  
40 operation of or failure to operate an AED if the person's actions  
41 or failure to act do not amount to willful or wanton misconduct or  
42 gross negligence.

43 (3) The immunity from civil liability for any personal  
44 injury under subsection (2) \* \* \* of this section includes the  
45 licensed physician who authorizes, directs or supervises the  
46 installation or provision of AED equipment in or on any premises  
47 or conveyance other than a medical facility, the owner of the  
48 premises where an AED is used, the purchaser of the AED, a person  
49 who uses an AED during an emergency for the purpose of attempting  
50 to save the life of another person who is or who appears to be in  
51 cardiac arrest, and the person who provides the CPR and AED  
52 training.

53 (4) The immunity from civil liability under subsection  
54 (2) \* \* \* of this section does not apply if the personal injury  
55 results from the gross negligence or willful or wanton misconduct  
56 of the person rendering the emergency care.

57 **SECTION 2.** This act shall take effect and be in force from  
58 and after July 1, 2007.