

By: Senator(s) White

To: Judiciary, Division A

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 dentist, registered nurse, licensed practical nurse, certified
10 registered emergency medical technician, or any other person who,
11 in good faith and in the exercise of reasonable care, renders
12 emergency care to any injured person at the scene of an emergency,
13 or in transporting the injured person to a point where medical
14 assistance can be reasonably expected, shall be liable for any
15 civil damages to the injured person as a result of any acts
16 committed in good faith and in the exercise of reasonable care or
17 omissions in good faith and in the exercise of reasonable care by
18 such persons in rendering the emergency care to the injured
19 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.