

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2739

1 AN ACT TO AMEND SECTION 41-60-33, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY PERSON WHO OWNS AN AUTOMATED EXTERNAL
3 DEFIBRILLATOR (AED) THAT IS FOR USE OUTSIDE OF A HEALTH CARE
4 FACILITY MUST HAVE A MISSISSIPPI LICENSED PHYSICIAN REVIEW AND
5 APPROVE THE CLINICAL PROTOCOL FOR THE USE OF THE AED, REVIEW AND
6 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 an AED that is for use outside
18 of a health care facility must have a Mississippi licensed
19 physician review and approve the clinical protocol for the use of
20 the AED, review and advise regarding the training and skill
21 maintenance of the intended users of the AED and assure proper
22 review of all situations when the AED is used to render emergency
23 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 AED
41 and who gratuitously and in good faith renders emergency care when
42 medically appropriate by use of or provision of an AED, without
43 objection of the injured victim or victims thereof, shall not be
44 held liable for any civil damages as a result of that care or
45 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.

