

CHAPTER 16

(HB 49)

AN ACT related to the use of automated external defibrillators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

It is the intent of the legislature that an automated external defibrillator may be used for the purpose of saving the life of another person in cardiac arrest when used in accordance with the provisions of Section 3 of this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Act, unless the context requires otherwise:

- (1) *"Automated external defibrillator" or "AED" means an external defibrillator capable of cardiac rhythm analysis which will charge and, with or without further operator action, deliver a shock after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia. These devices are known as fully or semiautomatic defibrillators;*
- (2) *"Cardiopulmonary resuscitation" or "CPR" means a basic emergency procedure for life support, consisting of artificial respiration and manual external cardiac massage; and*
- (3) *"Emergency medical service system" means the same as in KRS 211.950.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

In order to ensure public health and safety:

- (1) *A person or entity who acquires an AED shall ensure that:*
 - (a) *Expected AED users receive American Heart Association or American Red Cross training in CPR and AED use, or an equivalent nationally recognized course in CPR and AED use;*
 - (b) *The AED is maintained and tested according to the manufacturer's operational guidelines;*
 - (c) *There is medical oversight of the AED program by a physician licensed in Kentucky to ensure compliance with requirements for training, maintenance, notification, and communication with the local emergency medical services system. The physician providing oversight shall also work with the AED site to establish protocols for AED deployment and conduct a review of each use of an AED; and*
 - (d) *Any person who renders emergency care or treatment on a person in cardiac arrest by using an AED activates the local emergency medical services system as soon as possible and, if an entity with an AED program, reports any clinical use of the AED to the licensed physician.*
- (2) *Any person or entity who acquires an AED shall notify an agent of the local emergency medical services system and the local emergency communications or vehicle dispatch center of the existence, location, and type of AED acquired.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *Any person or entity, who in good faith and without compensation, renders emergency care or treatment by the use of an AED shall be immune from civil liability for any personal injury as a result of the care or treatment, or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as a ordinary, reasonable prudent person would have acted under the same or similar circumstances.*
- (2) *The immunity from civil liability for any personal injury under subsection (1) of this section includes the licensed physician who is involved with AED site placement, the person or entity who provides the CPR and AED site placement, the person or entity who provides the CPR and AED training, and the person or entity responsible for the site where the AED is located.*
- (3) *The immunity from civil liability under subsection (1) of this section does not apply if the personal injury results from the gross negligence or willful or wanton misconduct of the person rendering the emergency care.*
- (4) *The requirements of Section 3 of this Act shall not apply to any individual using an AED in an emergency setting if that individual is acting as a good Samaritan under KRS 411.148 and KRS 313.257.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *The provisions of Sections 1 to 4 of this Act shall not apply to the use of an AED by:*
 - (a) *Physicians, podiatrists, or osteopaths licensed under KRS Chapter 311 or chiropractors licensed under KRS Chapter 312;*
 - (b) *Physician Assistants as defined in KRS 311.550;*
 - (c) *Registered nurses, practical nurses, or advanced registered nurse practitioners licensed under KRS Chapter 314;*
 - (d) *Dentists licensed under KRS Chapter 313; or*
 - (e) *Paramedics certified under KRS 311.654, or emergency medical technicians certified under KRS 211.964.*
- (2) *Nothing in this section shall preclude the licensing boards referred to in Subsection (1) of this section from requiring continuing education or training on the use of an AED. Approved February 18, 2000*