

Senate Bill 51

By: Senators Thomas of the 10th, Thomas of the 54th and Hill of the 4th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, so as to add provisions regulating the use of automated external defibrillators by lay rescuers; to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to torts in general, so as to provide for immunity from liability for persons engaged in activities relating to the use of automated external defibrillators; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, is amended by inserting immediately after Code Section 31-11-53.1 a new Code Section 31-11-53.2 to read as follows:

"31-11-53.2.

(a) As used in this Code section, the term 'lay rescuer' means a person trained to provide cardiopulmonary resuscitation and to use an automatic external defibrillator, as defined in Code Section 31-11-53.1, and who is participating in a physician or medically authorized automated external defibrillator program.

(b) The following guidelines shall be applicable to the use of automated external defibrillators by lay rescuers:

(1) Any person or entity who acquires an automated external defibrillator shall ensure that:

(A) Expected users of the automated external defibrillator receive American Heart Association training in cardiopulmonary resuscitation and automated external defibrillator use or complete an equivalent nationally recognized course;

(B) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

(C) There is involvement of a licensed physician or medical authority in the site's automated external defibrillator program to ensure compliance with requirements for training, notification, and maintenance;

(D) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible and reports any clinical use of the automated external defibrillator to the licensed physician or medical authority supervising the program; and

(2) Any person or entity who acquires an automated external defibrillator shall notify an agent of the emergency communications or vehicle dispatch center of the existence, location, and type of automated external defibrillator."

SECTION 2.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to torts in general, is amended by inserting a new Code Section 51-1-29.3 to read as follows:

"51-1-29.3.

The persons described in this Code section shall be immune from civil liability for any act or omission to act related to the provision of emergency care or treatment by the use of or provision of an automated external defibrillator, as described in Code Sections 31-11-53.1 and 31-11-53.2, except that such immunity shall not apply to an act of willful or wanton misconduct and shall not apply to a person acting within the scope of a licensed profession if such person acts with gross negligence. The immunity provided for in this Code section shall extend to:

(1) Any person who gratuitously and in good faith renders emergency care or treatment by the use of or provision of an automated external defibrillator without objection of the person to whom care or treatment is rendered;

(2) The owner or operator of any premises or conveyance who installs, maintains, or provides automated external defibrillator equipment in or on such premises or conveyance;

(3) Any physician or other medical professional who authorizes, directs, or supervises the installation, maintenance, or provision of automated external defibrillator equipment in or on any premises or conveyance; and

(4) Any person who provides training in the use of automated external defibrillator equipment. The immunity provided in paragraph (1) of this Code section shall extend to a person who is compensated for the role in which such person provides emergency care or treatment if such person extends such care or treatment without expectation of remuneration from the person to whom such emergency care or treatment is extended."

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- SECTION 3.
- All laws and parts of laws in conflict with this Act are repealed.