

## COMMITTEES OF CONFERENCE SUBSTITUTE TO HB 264

## A BILL TO BE ENTITLED

## AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
 2 provide for the establishment of bylaws and conflict of interest policies by local coordinating  
 3 entities relating to emergency medical services; to provide for recommendations to the local  
 4 coordinating entity; to provide for submittal of recommendations to the Board of Public  
 5 Health; to provide for a hearing; to provide for an appeal; to provide for accountability  
 6 standards; to provide for the regulation and permittance of body artists and body art studios;  
 7 to provide for definitions; to provide for the issuance, denial, suspension, and revocation of  
 8 permits; to authorize administrative review and the promulgation of rules and regulations by  
 9 the Department of Public Health; to provide for enforcement, inspection, and criminal  
 10 penalties; to provide for the display of signs; to eliminate certain requirements relating to the  
 11 use of automated external defibrillators; to eliminate obsolete language relating to base  
 12 station facilities; to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated,  
 13 relating to ethics in government, so as to revise the definition of "regulated entity" relating  
 14 to contributions by regulated entities to elected executive officers or candidates; to revise a  
 15 provision relating to disclosure reports; to provide for leadership committees; to provide that  
 16 any natural persons undertaking to promote or oppose any matter before a local coordinating  
 17 entity regarding the Emergency Medical Systems Communications Program (EMSC  
 18 Program) are subject to transparency and lobbyist disclosure laws; to provide for related  
 19 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
 23 Code Section 31-11-3, relating to recommendations by local coordinating entity as to  
 24 administration of EMSC Program and hearing and appeal, as follows:

25 "31-11-3.

26 (a) The Board of Public Health shall have the authority on behalf of the state to designate  
27 and contract with a public or nonprofit local entity to coordinate and administer the EMSC  
28 Program for each health district designated by the Department of Public Health. The local  
29 coordinating entity thus designated shall be responsible for recommending to the board or  
30 its designee the manner in which the EMSC Program is to be conducted. In making its  
31 recommendations, the local coordinating entity shall give priority to making the EMSC  
32 Program function as efficiently and economically as possible. Each local coordinating  
33 entity shall establish bylaws for its operation, conduct of meetings, and actions of members  
34 and shall also establish a conflict of interest policy for all members. The local coordinating  
35 entity shall require each member to comply with such conflict of interest policy. Meetings  
36 shall be conducted in accordance with Chapter 14 of Title 50, relating to open meetings.  
37 The department shall approve the bylaws and the conflict of interest policy established by  
38 each local coordinating entity and the department shall provide administrative support to  
39 the local coordinating entity. A local coordinating entity shall prohibit any employee,  
40 operator, contractor, or owner of an ambulance provider currently providing service for a  
41 territorial zone or of an ambulance provider that has submitted a proposal for new  
42 ambulance service in such territorial zone from: (1) serving on any committee,  
43 subcommittee, or ad hoc committee established by the local coordinating entity that is  
44 involved in the selection of ambulance providers for such territorial zone; or (2) voting on  
45 any proposals from ambulance providers for new service for such territorial zone, if such  
46 employee, operator, contractor, or owner of an ambulance provider is a member of the local  
47 coordinating entity. Each licensed ambulance provider in the health district shall have the  
48 opportunity to participate in the EMSC Program.

49 (b) The local coordinating entity shall request from each licensed ambulance provider in  
50 its health district a written description of the territory in which it can respond to emergency  
51 calls, based upon the provider's average response time from its base location within such  
52 territory; and such written description shall be due within ten days of the request by the  
53 local coordinating entity.

54 (c) After receipt of the written descriptions of territory in which the ambulance providers  
55 propose to respond to emergency calls, the local coordinating entity shall within ten days  
56 recommend in writing to the board or its designee the territories within the health district  
57 to be serviced by the ambulance providers and at this same time the local coordinating  
58 entity shall also recommend the method for distributing emergency calls among the  
59 providers, based primarily on the considerations of economy, efficiency, and benefit to the  
60 public welfare. The recommendation of the local coordinating entity shall be forwarded  
61 immediately to the board or its designee for approval or modification of the territorial

62 zones and method of distributing calls among ambulance providers participating in the  
 63 EMSC Program in the health district. Within ten days of receipt of the recommendations  
 64 by the board or its designee, an ambulance provider that originally submitted a proposal  
 65 may request a hearing on such recommendations.

66 (d) The board, or its designee, ~~is empowered to~~ shall conduct a hearing into the  
 67 recommendations made by the local coordinating entity request for a hearing pursuant to  
 68 subsection (c) of this Code section, and such hearing shall be conducted according to the  
 69 procedures set forth in Code Section 31-5-2.

70 (e) The recommendations of the local coordinating entity shall not be modified unless the  
 71 board or its designee shall find, after a hearing, that the ~~determination of the district health~~  
 72 ~~director is~~ recommendations submitted by the local coordinating entity are not consistent  
 73 with operation of the EMSC Program in an efficient, economical manner that benefits the  
 74 public welfare. The decision of the board or its designee shall be rendered as soon as  
 75 possible and shall be final; provided, however, that a party aggrieved by such decision may  
 76 appeal such decision pursuant to Chapter 13 of Title 50, the 'Georgia Administrative  
 77 Procedure Act.' ~~and conclusive concerning the operation of the EMSC Program; and appeal~~  
 78 ~~from such decision shall be pursuant to Code Section 31-5-3.~~

79 (f) The local coordinating entity shall begin administering the EMSC Program in accord  
 80 with the decision by the board or its designee immediately after the decision by the board  
 81 or its designee regarding the approval or modification of the recommendations made by the  
 82 local coordinating entity; and the EMSC Program shall be operated in such manner pending  
 83 the resolution of any appeals filed pursuant to Code Section 31-5-3.

84 (g) This Code section shall not apply to air ambulances or air ambulance services."

## 85 SECTION 2.

86 Said title is further amended by adding a new Code section to read as follows:

87 "31-11-6.1.

88 By July 1, 2020, the department shall make recommendations to each local coordinating  
 89 entity on benchmarks for accountability standards for each territorial zone, taking into  
 90 account the differences in geography, population, availability to emergency rooms, and  
 91 other factors of each area considered by the local coordinating entity and shall post such  
 92 recommendations on the department's website."

## 93 SECTION 3.

94 Said title is further amended by revising Chapter 40, relating to tattoo studios, as follows:

95

## "CHAPTER 40

96 31-40-1.

97 As used in this chapter, the term:

98 (1) 'Body art' means a tattoo or piercing placed on the body of a person for aesthetic or  
99 cosmetic purposes.100 (2) 'Body artist' means any person who performs body art. Such term shall not include  
101 in its meaning any physician or osteopath licensed under Chapter 34 of Title 43, nor shall  
102 it include any technician acting under the direct supervision of such licensed physician  
103 or osteopath, pursuant to subsection (a) of Code Section 16-5-71.104 (3) 'Body art studio' means any facility or building on a fixed foundation wherein a body  
105 artist performs body art.106 ~~(1)~~(4) 'Microblading of the eyebrow' means a form of cosmetic tattoo artistry where ink  
107 is deposited superficially in the upper three layers of the epidermis using a handheld or  
108 machine powered tool made up of needles known as a microblade to improve or create  
109 eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow  
110 pattern, or to create a full construction if the eyebrows have little to no hair.111 ~~(2)~~(5) 'Tattoo' means to mark or color the skin by pricking in, piercing, or implanting  
112 indelible pigments or dyes under the skin. Such term includes microblading of the  
113 eyebrow.114 ~~(3) 'Tattoo artist' means any person who performs tattooing, except that the term tattoo~~  
115 ~~artist shall not include in its meaning any physician or osteopath licensed under Chapter~~  
116 ~~34 of Title 43, nor shall it include any technician acting under the direct supervision of~~  
117 ~~such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.~~118 ~~(4) 'Tattoo studio' means any facility or building on a fixed foundation wherein a tattoo~~  
119 ~~artist performs tattooing.~~

120 31-40-2.

121 It shall be unlawful for any person to operate a ~~tattoo~~ body art studio or perform body art  
122 without having first obtained a valid permit for such studio. Such, Body art studio permits  
123 shall be issued by the county board of health or its duly authorized representative, subject  
124 to supervision and direction by the Department of Public Health but, where the county  
125 board of health is not functioning, the permit shall be issued by the department. Body artist  
126 permits shall be issued by the Department of Public Health. Permits A permit shall be  
127 valid until suspended or revoked and shall not be transferable with respect to person or  
128 location.

129 31-40-3.

130 (a) The county boards of health may deny, suspend, or revoke permits where the health  
 131 and safety of the public requires such action a body art studio permit for a violation of this  
 132 chapter or the rules and regulations promulgated thereunder. When, in the judgment of  
 133 such board or its duly authorized agents, it is necessary and proper that such application for  
 134 a permit be denied or that a permit previously granted be suspended or revoked, the  
 135 applicant or holder of the permit shall be so notified in writing and shall be afforded an  
 136 opportunity for hearing as provided in Article 1 of Chapter 5 of this title. In the event that  
 137 such application is finally denied or such permit finally suspended or revoked, the applicant  
 138 for or holder of such permit shall be given notice in writing, which notice shall specifically  
 139 state the reasons why the application or permit has been suspended, revoked, or denied.  
 140 (b) The department may deny, suspend, or revoke a body artist permit for a violation of  
 141 this chapter or the rules and regulations promulgated thereunder, after notice to the permit  
 142 holder and opportunity for hearing. Such proceedings shall be conducted in accordance  
 143 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

144 31-40-4.

145 Any person substantially affected by any final order of the county board of health denying,  
 146 suspending, revoking, or refusing to renew ~~any~~ a body artist studio permit provided under  
 147 this chapter may secure review thereof by appeal to the department as provided in Article 1  
 148 of Chapter 5 of this title.

149 31-40-5.

150 ~~The Department of Public Health and county boards of health~~ department shall have  
 151 the power to adopt and promulgate rules and regulations to ensure the protection of the  
 152 public health. Such rules and regulations shall prescribe ~~reasonable standards for health~~  
 153 ~~and safety of tattoo~~ standards for body artists and body art studios with regard to:  
 154 (1) Location and cleanliness of facilities;  
 155 (2) Sterilization and Occupational Safety and Health Administration guidelines for the  
 156 prevention and spread of infectious diseases by all personnel;  
 157 (3) Informed consent by the person receiving ~~a tattoo~~ any form of body art;  
 158 (4) Procedures for ensuring adequate explanation to consumers of the proper subsequent  
 159 care of ~~a tattoo~~ any form of body art; and  
 160 (5) Proper use and maintenance of ~~tattoo~~ equipment, including tools, dyes, and pigments;  
 161 and  
 162 (6) Competence and specialized knowledge of body artists.

163 (b) County boards of health are empowered to adopt and promulgate supplementary rules  
164 and regulations consistent with those adopted and promulgated by the department.

165 31-40-6.

166 ~~The Department of Public Health~~ department and the county boards of health and their duly  
167 authorized agents are authorized and empowered to enforce compliance with this chapter  
168 and the rules and regulations adopted and promulgated under this chapter and, in  
169 connection therewith, to enter upon and inspect the premises of a tattoo body art studio at  
170 any reasonable time and in a reasonable manner, as provided in Article 2 of Chapter 5 of  
171 this title.

172 31-40-7.

173 Any person, firm, or corporation ~~operating a tattoo studio~~ performing body art without a  
174 valid permit ~~or performing tattooing outside of a licensed tattoo studio~~ shall be guilty of  
175 a misdemeanor.

176 31-40-8.

177 Each body art studio shall conspicuously display in a prominent place easily seen by  
178 patrons a printed sign that warns that any body art on the face, neck, forearm, hand, or  
179 lower leg of an individual may automatically disqualify such individual from military  
180 service in the armed forces of the United States. Such notice shall be at least 11 inches by  
181 14 inches in size, with letters at least one inch in height. ~~The Department of Public Health~~  
182 ~~is authorized and directed to develop and institute a program of public education for the~~  
183 ~~purpose of alerting the public to the possible side effects and exposure risks of tattooing.~~

184 31-40-9.

185 Notwithstanding any other provision of this chapter, the governing authority of any county  
186 or municipality may enact more stringent laws governing tattooing body art.

187 31-40-10.

188 Nothing in this chapter shall be construed to repeal the provisions of Code Section 16-12-5;  
189 provided, however, that Code Section 16-12-5 shall not apply to microblading of the  
190 eyebrow."

191 **SECTION 4.**

192 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in  
193 government, is amended by revising paragraph (5) of subsection (a) of Code Section

194 21-5-30.1, relating to contributions by regulated entities to elected executive officers or  
 195 candidates, as follows:

196 "(5) 'Regulated entity' means any person who is required by law to be licensed by an  
 197 elected executive officer or a board under the jurisdiction of an elected executive officer,  
 198 any person who leases property owned by or for a state department, any person who  
 199 engages in a business or profession which is regulated by an elected executive officer ~~or~~  
 200 ~~by a board under the jurisdiction of an elected executive officer~~, or any public utility  
 201 corporation regulated by the Public Service Commission. For purposes of this paragraph,  
 202 public utility corporation regulated by the Public Service Commission shall have the  
 203 same meaning as provided by subsection (f) of Code Section 21-5-30."

204 **SECTION 5.**

205 Said chapter is further amended by revising subsection (e) of Code Section 21-5-34, relating  
 206 to disclosure reports, as follows:

207 "(e) Any person who makes contributions to, accepts contributions for, or makes  
 208 expenditures on behalf of candidates; any leadership committee, as defined by Code  
 209 Section 21-5-34.2; and any independent committee, shall file a registration in the same  
 210 manner as is required of campaign committees prior to accepting or making contributions  
 211 or expenditures. Such persons, other than leadership committees and independent  
 212 committees, shall also file campaign contribution disclosure reports at the same times as  
 213 required of the candidates they are supporting. The following persons shall be exempt  
 214 from the foregoing registration and reporting requirements:

- 215 (1) Individuals making aggregate contributions of \$25,000.00 or less directly to  
 216 candidates or the candidates' campaign committees in one calendar year;  
 217 (2) Persons other than individuals making aggregate contributions and expenditures to  
 218 or on behalf of candidates of \$25,000.00 or less in one calendar year; and  
 219 (3) Contributors who make contributions to only one candidate during one calendar  
 220 year."

221 **SECTION 6.**

222 Said chapter is further amended by adding a new Code section to read as follows:

223 "21-5-34.2.

224 (a) As used in this Code section, the term 'leadership committee' means a committee,  
 225 corporation, or organization chaired by the Governor, the Lieutenant Governor, the Speaker  
 226 of the House of Representatives, the President Pro Tempore of the Senate, the minority  
 227 leader of the Senate, the minority leader of the House of Representatives, the majority  
 228 caucus chairperson in the Senate, the minority caucus chairperson in the Senate, the

229 majority caucus chairperson in the House of Representatives, the minority caucus  
 230 chairperson in the House of Representatives, the nominee of a political party for Governor  
 231 selected in a primary election in the year in which he or she is nominated, or the nominee  
 232 of a political party for Lieutenant Governor selected in a primary election in the year in  
 233 which he or she is nominated for the purposes set out in this Code section.

234 (b) A leadership committee may receive contributions from persons who are members or  
 235 supporters of the leadership committee and expend such funds as permitted by this Code  
 236 section. No person shall chair more than one leadership committee.

237 (c) If a person chairing a leadership committee ceases to hold the office or the status as a  
 238 nominee of a political party as described in subsection (a) of this Code section, such person  
 239 shall transfer the remaining assets of the leadership committee, if any, to another leadership  
 240 committee within 60 days, name an eligible person as the new chair of the leadership  
 241 committee within 60 days, or dispose of the leadership committee's assets as provided by  
 242 Code Section 21-5-33.

243 (d) A leadership committee may: accept contributions or make expenditures for the  
 244 purpose of affecting the outcome of any election or advocating for the election or defeat  
 245 of any candidate; defray ordinary and necessary expenses incurred in connection with any  
 246 candidate's campaign for elective office; and defray ordinary and necessary expenses  
 247 incurred in connection with a public officer's fulfillment or retention of such office.

248 (e) A leadership committee which accepts contributions or makes expenditures in excess  
 249 of \$500.00 shall register with the commission within ten days of such accepted contribution  
 250 or such expenditure, and thereafter shall file disclosure reports pursuant to the schedule  
 251 defined for candidates and campaign committees in subsection (c) of Code Section  
 252 21-5-34. Such disclosure reports shall be made pursuant to subsection (b) of Code Section  
 253 21-5-34. The contribution limits in Code Section 21-5-41 shall not apply to contributions  
 254 to a leadership committee or expenditures made by a leadership committee in support of  
 255 a candidate or a group of named candidates. All communications paid for by expenditures  
 256 of the leadership committee shall contain a disclaimer, either audibly or in writing, that the  
 257 communication is paid for by the leadership committee, unless such disclaimer is  
 258 impracticable.

259 (f) A leadership committee shall be a separate legal entity from a candidate's campaign  
 260 committee, and shall not be considered a political action committee or an independent  
 261 committee."

262 **SECTION 7.**

263 Said chapter is further amended by revising paragraphs (5) and (6) of Code Section 21-5-70,  
 264 relating to definitions, as follows:



265 "(5) 'Lobbyist' means:

266 (A) Any natural person who, either individually or as an employee of another person,  
 267 receives or anticipates receiving more than \$250.00 per calendar year in compensation  
 268 or reimbursement or payment of expenses specifically for undertaking to promote or  
 269 oppose the passage of any legislation by the General Assembly, or any committee of  
 270 either chamber or a joint committee thereof, or the approval or veto of legislation by the  
 271 Governor;

272 (B) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in  
 273 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or  
 274 informational material, to promote or oppose the passage of any legislation by the  
 275 General Assembly, or any committee of either chamber or a joint committee thereof,  
 276 or the approval or veto of legislation by the Governor;

277 (C) Reserved;

278 (D) Any natural person who, either individually or as an employee of another person,  
 279 is compensated specifically for undertaking to promote or oppose the passage of any  
 280 ordinance or resolution by a public officer specified under subparagraph (F) or (G) of  
 281 paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the  
 282 approval or veto of any such ordinance or resolution;

283 (E) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in  
 284 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or  
 285 informational material, to promote or oppose the passage of any ordinance or resolution  
 286 by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code  
 287 Section 21-5-3, or any committee of such public officers, or the approval or veto of any  
 288 such ordinance or resolution;

289 (F) Any natural person who as an employee of local government engages in any  
 290 activity covered under subparagraph (D) of this paragraph;

291 (G) Any natural person who, for compensation, either individually or as an employee  
 292 of another person, is hired specifically to undertake influencing a public officer or state  
 293 agency in the selection of a vendor to supply any goods or services to any state agency  
 294 but does not include any employee or independent contractor of the vendor solely on  
 295 the basis that such employee or independent contractor participates in soliciting a bid  
 296 or in preparing a written bid, written proposal, or other document relating to a potential  
 297 sale to a state agency and shall not include a bona fide salesperson who sells to or  
 298 contracts with a state agency for goods or services and who does not otherwise engage  
 299 in activities described in subparagraphs (A) through (F), ~~or (H), through~~ or (I) of this  
 300 paragraph;

301 (H) Any natural person who, either individually or as an employee of another person,  
 302 is compensated specifically for undertaking to promote or oppose the passage of any  
 303 rule or regulation of any state agency;

304 (I) Any natural person who, either individually or as an employee of another person,  
 305 is compensated specifically for undertaking to promote or oppose any matter before the  
 306 State Transportation Board; or

307 (J) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in  
 308 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or  
 309 informational material, to promote or oppose any matter before the State Transportation  
 310 Board;

311 (K) Any natural person who, either individually or as an employee of another person,  
 312 is compensated specifically and only for undertaking to promote or oppose any matter  
 313 before a local coordinating entity as provided for under Code Section 31-11-3, unless  
 314 such natural person is exempted from registration pursuant to subsection (i) of Code  
 315 Section 21-5-71; or

316 (L) Any natural person who makes lobbying expenditures to promote or oppose  
 317 matters before one or more local coordinating entities as provided for under Code  
 318 Section 31-11-3, unless such natural person is exempted from registration pursuant to  
 319 subsection (i) of Code Section 21-5-71.

320 (6) 'Public officer' means a member of the State Transportation Board, any natural person  
 321 who is a member of a local coordinating entity as provided for under Code Section  
 322 31-11-3, and those public officers specified under paragraph (22) of Code Section 21-5-3,  
 323 except as otherwise provided in this article and also includes any public officer or  
 324 employee who has any discretionary authority over, or is a member of a public body  
 325 which has any discretionary authority over, the selection of a vendor to supply any goods  
 326 or services to any state agency."

## 327 **SECTION 8.**

328 Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency  
 329 medical services, is amended by revising Code Section 31-11-53.1, relating to automated  
 330 external defibrillator program, as follows:

331 "31-11-53.1.

332 (a) As used in this Code section, the term:

333 (1) 'Automated external defibrillator' means a defibrillator which:

334 (A) Is capable of cardiac rhythm analysis;

335 (B) Will charge and be capable of being activated to deliver a countershock after  
 336 electrically detecting the presence of certain cardiac dysrhythmias; and

337 (C) Is capable of continuous recording of the cardiac dysrhythmia at the scene with a  
338 mechanism for transfer and storage or for printing for review subsequent to use.

339 (2) 'Defibrillation' means to terminate ventricular fibrillation.

340 (3) 'First responder' means any person or agency who provides on-site care until the  
341 arrival of a duly licensed ambulance service. This shall include, but not be limited to,  
342 persons who routinely respond to calls for assistance through an affiliation with law  
343 enforcement agencies, fire suppression agencies, rescue agencies, and others.

344 (b) It is the intent of the General Assembly that an automated external defibrillator may  
345 be used by any person for the purpose of saving the life of another person in cardiac arrest.

346 ~~In order to ensure public health and safety:~~

347 ~~(1) It is recommended that all persons who have access to or use an automated external~~  
348 ~~defibrillator obtain appropriate training as set forth in the rules and regulations of the~~  
349 ~~Department of Public Health. It is further recommended that such training include at a~~  
350 ~~minimum the successful completion of:~~

351 ~~(A) A nationally recognized health care provider/professional rescuer level~~  
352 ~~cardiopulmonary resuscitation course; and~~

353 ~~(B) A department established or approved course which includes demonstrated~~  
354 ~~proficiency in the use of an automated external defibrillator;~~

355 ~~(2) All persons and agencies possessing and maintaining an automated external~~  
356 ~~defibrillator shall notify the appropriate emergency medical services system of the~~  
357 ~~existence and location of the automated external defibrillator prior to said defibrillator~~  
358 ~~being placed in use;~~

359 ~~(3) All It is further the intent of the General Assembly that all persons who use an~~  
360 ~~automated external defibrillator shall activate the emergency medical services system as~~  
361 ~~soon as reasonably possible by calling 9-1-1 or the appropriate emergency telephone~~  
362 ~~number upon use of the automated external defibrillator; and~~

363 ~~(4) Within a reasonable period of time, all persons who use an automated external~~  
364 ~~defibrillator shall make available a printed or electronically stored report to the licensed~~  
365 ~~emergency medical services provider which transports the patient.~~

366 ~~(c) All persons who provide instruction to others in the use of the automated external~~  
367 ~~defibrillator shall have completed an instructor course established or approved by the~~  
368 ~~department.~~

369 ~~(d) The department shall establish an automated external defibrillator program for use by~~  
370 ~~emergency medical technicians. Such program shall be subject to the direct supervision~~  
371 ~~of a medical adviser approved under Code Section 31-11-50. No emergency medical~~  
372 ~~technician shall be authorized to use an automated external defibrillator to defibrillate a~~

373 person unless that defibrillator is a properly maintained automated external defibrillator and  
374 that emergency medical technician:

375 (1) ~~Submits to and has approved by the department an application for such use, and in~~  
376 ~~considering that application the department may obtain and use the recommendation of~~  
377 ~~the local coordinating entity for the health district in which the applicant will use such~~  
378 ~~defibrillator;~~

379 (2) ~~Successfully completes an automated external defibrillator training program~~  
380 ~~established or approved by the department;~~

381 (3) ~~Is subject to protocols requiring that both the emergency physician who receives a~~  
382 ~~patient defibrillated by that emergency medical technician and the medical adviser for the~~  
383 ~~defibrillator program review the department required prehospital care report and any~~  
384 ~~other documentation of the defibrillation of any person by that emergency medical~~  
385 ~~technician and send a written report of such review to the district EMS medical director~~  
386 ~~of the health district in which the defibrillation occurred; and~~

387 (4) ~~Obtains a passing score on an annual automated external defibrillator proficiency~~  
388 ~~exam given in connection with that program.~~

389 (e) ~~It shall not be necessary for a licensed emergency medical service, licensed neonatal~~  
390 ~~transport service, or other services licensed by the department which provide care~~  
391 ~~administered by cardiac technicians or paramedics to obtain department approval for the~~  
392 ~~use of an automated external defibrillator on licensed vehicles.~~

393 (f) ~~Any emergency medical technician who violates the provisions of this Code section~~  
394 ~~shall be subject to having revoked by the department that person's authority to use an~~  
395 ~~automated external defibrillator. Such a violation shall also be grounds for any entity~~  
396 ~~which issues a license or certificate authorizing such emergency medical technician to~~  
397 ~~perform emergency medical services to take disciplinary action against such person,~~  
398 ~~including but not limited to suspension or revocation of that license or certificate. Such a~~  
399 ~~violation shall also be grounds for the employer of such emergency medical technician to~~  
400 ~~impose any sanction available thereto, including but not limited to dismissal.~~

401 (g)(c) Any first responder who gratuitously and in good faith renders emergency care or  
402 treatment by the use of or provision of an automated external defibrillator, without  
403 objection of the injured victim or victims thereof, shall not be held liable for any civil  
404 damages as a result of such care or treatment or as a result of any act or failure to act in  
405 providing or arranging further medical treatment where the person acts without gross  
406 negligence or intent to harm or as an ordinary reasonably prudent person would have acted  
407 under the same or similar circumstances, even if such individual does so without benefit  
408 of the appropriate training. This provision includes paid persons who extend care or

409 treatment without expectation of remuneration from the patient or victim for receiving the  
410 defibrillation care or treatment."

411 **SECTION 9.**

412 Said chapter is further amended by revising Code Section 31-11-60.1, relating to program  
413 for physician control over emergency medical services to nonhospital patients, as follows:

414 "31-11-60.1.

415 (a) As used in this Code section, the term:

416 (1) 'Ambulance service medical director' means a physician licensed to practice in this  
417 state and subject to the approval of the local coordinating entity and the department who  
418 has agreed, in writing, to provide medical direction to a specific ambulance service.

419 ~~(2) 'Base station facility' means any facility responsible for providing direct physician  
420 control of emergency medical services.~~

421 ~~(3)~~(2) 'District emergency medical services medical director' means a person who is:

422 (A) A physician licensed to practice medicine in this state;

423 (B) Familiar with the design and operation of prehospital emergency services systems;

424 (C) Experienced in the prehospital emergency care of acutely ill or injured patients;  
425 and

426 (D) Experienced in the administrative processes affecting regional and state prehospital  
427 emergency medical services systems.

428 ~~(4)~~(3) 'Emergency medical services personnel' means any emergency medical technician,  
429 paramedic, cardiac technician, or designated first responder who is certified under this  
430 article.

431 (b) The department and the district emergency medical services medical directors shall  
432 develop and implement a program to ensure appropriate physician control over the  
433 rendering of emergency medical services by emergency medical services personnel to  
434 patients who are not in a hospital, which program shall include but not be limited to the  
435 following:

436 (1) Medical protocols regarding permissible and appropriate emergency medical services  
437 which may be rendered by emergency medical services personnel to a patient not in a  
438 hospital;

439 (2) Communication protocols regarding which medical situations require direct voice  
440 communication between emergency medical services personnel and a physician or a  
441 nurse or a paramedic or a physician assistant in direct communication with a physician  
442 prior to those emergency medical services personnel's rendering specified emergency  
443 medical services to a patient not in a hospital; and

444 (3) Record-keeping and accountability requirements for emergency medical services  
 445 personnel and base station facility personnel in order to monitor compliance with this  
 446 subsection; and

447 ~~(4) Base station facility standards.~~

448 (c) The ambulance service medical director shall serve as the medical authority for the  
 449 ambulance service, performing liaison activities with the medical community, medical  
 450 facilities, and governmental agencies. The ambulance service medical director shall be  
 451 responsible for the provision of medical direction and training for the emergency medical  
 452 services personnel within the ambulance service for which he or she is responsible in  
 453 conformance with acceptable emergency medical practices and procedures. These  
 454 responsibilities shall include the duties set forth in the department's rules and regulations  
 455 for ambulance services.

456 (d) The district emergency medical services medical director shall not override those  
 457 policies or protocols of the ambulance service medical director if that ambulance service  
 458 medical director is documenting compliance with the department's rules and regulations  
 459 for ambulance services.

460 ~~(e) Every base station facility shall comply with the policies, protocols, requirements, and  
 461 standards provided for in subsection (b) of this Code section.~~

462 ~~(f)~~(e) All emergency medical services personnel shall comply with appropriate policies,  
 463 protocols, requirements, and standards of the ambulance service medical director for that  
 464 service or the policies, protocols, requirements, and standards provided for in subsection  
 465 (b) of this Code section.

466 ~~(g)~~(f) Conduct which would otherwise constitute a violation of subsection ~~(f)~~(e) of this  
 467 Code section shall not be such a violation if such conduct was carried out by any  
 468 emergency medical services personnel pursuant to an order from a physician, the  
 469 ambulance service medical director for such person, or the protocol of that ambulance  
 470 service as approved by the ambulance service medical director for such person.

471 ~~(h) Violation by any base station facility of subsection (e) of this Code section may be  
 472 grounds for the removal of that base station facility's designation by the department.~~

473 ~~(i) Enforcement of subsections (g) and (h) of this Code section shall commence no earlier  
 474 than 12 months after July 1, 1989."~~

475 **SECTION 10.**

476 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 477 without such approval.

478

**SECTION 11.**

479 All laws and parts of laws in conflict with this Act are repealed.