

Senate Bill 399

By: Senators Harbin of the 16th, Albers of the 56th, Hatchett of the 50th, Burns of the 23rd, Anavitarte of the 31st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated,
2 relating to personnel of emergency medical services, so as to provide for notification to
3 public safety answering points about the location of automated external defibrillators; to
4 provide for rules and regulations; to provide for training; to amend Chapter 8 of Title 35 of
5 the Official Code of Georgia Annotated, relating to employment and training of peace
6 officers, so as to provide for training of communications officers to facilitate the use of
7 automated external defibrillators; to provide for definitions; to provide for related matters;
8 to provide for a short title; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Mason Sells AED Coordination Act."

12 **SECTION 2.**

13 Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
14 personnel of emergency medical services, is amended by revising Code Section 31-11-53.1,

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15 relating to automated external defibrillator program, establishment, regulations, and liability,
16 as follows:

17 "31-11-53.1.

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

19 (1) 'Agency' means every state department, agency, division, board, bureau, commission,
20 or entity, including without limitation the Board of Regents of the University System of
21 Georgia.

22 ~~(1)~~(2) 'Automated external defibrillator' means a defibrillator which:

23 (A) Is capable of cardiac rhythm analysis;

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

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

28 ~~(2)~~(3) 'Defibrillation' means to terminate ventricular fibrillation.

29 ~~(3)~~(4) 'First responder' means any person or agency who provides on-site care until the
30 arrival of a duly licensed ambulance service. This shall include, but not be limited to,
31 persons who routinely respond to calls for assistance through an affiliation with law
32 enforcement agencies, fire suppression agencies, rescue agencies, and others.

33 (5) 'Person' means any individual, firm, partnership, association, corporation, or other
34 private entity, including without limitation any private postsecondary school, college, or
35 university in this state.

36 (6) 'Public safety answering point' shall have the same meaning as provided in Code
37 Section 46-5-122.

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

40 In order to ensure public health and safety:

- 41 (1) It is recommended that all persons who have access to or use an automated external
42 defibrillator obtain appropriate training as set forth in the rules and regulations of the
43 Department of Public Health. It is further recommended that such training include at a
44 minimum the successful completion of:
- 45 (A) A nationally recognized health care provider/professional rescuer level
46 cardiopulmonary resuscitation course; and
- 47 (B) A department established or approved course which includes demonstrated
48 proficiency in the use of an automated external defibrillator;
- 49 (2) All persons and agencies possessing and maintaining an automated external
50 defibrillator shall notify the appropriate emergency medical services system and public
51 safety answering point of the existence and location of the automated external
52 defibrillator prior to said defibrillator being placed in use. The department is authorized
53 to promulgate rules and regulations to implement this provision;
- 54 (3) All persons who use an automated external defibrillator shall activate the emergency
55 medical services system as soon as reasonably possible by calling 9-1-1 or the
56 appropriate emergency telephone number upon use of the automated external
57 defibrillator; and
- 58 (4) Within a reasonable period of time, all persons who use an automated external
59 defibrillator shall make available a printed or electronically stored report to the licensed
60 emergency medical services provider which transports the patient.
- 61 (c) With the exception of communications officers under Code Section 35-8-23, who shall
62 complete training as set forth in such Code section, All all persons who provide instruction
63 to others in the use of the automated external defibrillator shall have completed an
64 instructor course established or approved by the department.
- 65 (d) The department shall establish an automated external defibrillator program for use by
66 emergency medical technicians. Such program shall be subject to the direct supervision
67 of a medical adviser approved under Code Section 31-11-50. No emergency medical

68 technician shall be authorized to use an automated external defibrillator to defibrillate a
69 person unless that defibrillator is a properly maintained automated external defibrillator and
70 that emergency medical technician:

71 (1) Submits to and has approved by the department an application for such use, and in
72 considering that application the department may obtain and use the recommendation of
73 the local coordinating entity for the health district in which the applicant will use such
74 defibrillator;

75 (2) Successfully completes an automated external defibrillator training program
76 established or approved by the department;

77 (3) Is subject to protocols requiring that both the emergency physician who receives a
78 patient defibrillated by that emergency medical technician and the medical adviser for the
79 defibrillator program review the department required prehospital care report and any
80 other documentation of the defibrillation of any person by that emergency medical
81 technician and send a written report of such review to the district EMS medical director
82 of the health district in which the defibrillation occurred; and

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

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

89 (f) Any emergency medical technician who violates the provisions of this Code section
90 shall be subject to having revoked by the department that person's authority to use an
91 automated external defibrillator. Such a violation shall also be grounds for any entity
92 which issues a license or certificate authorizing such emergency medical technician to
93 perform emergency medical services to take disciplinary action against such person,
94 including but not limited to suspension or revocation of that license or certificate. Such a

95 violation shall also be grounds for the employer of such emergency medical technician to
96 impose any sanction available thereto, including but not limited to dismissal.

97 (g) Any first responder who gratuitously and in good faith renders emergency care or
98 treatment by the use of or provision of an automated external defibrillator, without
99 objection of the injured victim or victims thereof, shall not be held liable for any civil
100 damages as a result of such care or treatment or as a result of any act or failure to act in
101 providing or arranging further medical treatment where the person acts without gross
102 negligence or intent to harm or as an ordinary reasonably prudent person would have acted
103 under the same or similar circumstances, even if such individual does so without benefit
104 of the appropriate training. This provision includes paid persons who extend care or
105 treatment without expectation of remuneration from the patient or victim for receiving the
106 defibrillation care or treatment."

107

SECTION 3.

108 Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and
109 training of peace officers, is amended in Code Section 35-8-23, relating to basic training
110 course for communications officers, certification requirements, duties of council, and rules
111 and regulations, by adding a new subsection to read as follows:

112 "(g) On and after January 1, 2027, communications officers shall be required to
113 successfully complete training in the delivery of telephone instructions to facilitate the use
114 of automated external defibrillators in addition to the basic training otherwise required by
115 this Code section, and on and after such date, no person shall be certified by the council
116 under this Code section unless such person has satisfactorily completed such training. The
117 council, in coordination with the Georgia Emergency Communications Authority, shall
118 develop and administer said training."

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SECTION 4.

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