

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2284

By: Stanley

AS INTRODUCED

An Act relating to torts; making certain persons using or providing automatic external defibrillator not liable in certain situations; providing exceptions; listing certain conditions for release of liability; making section part of Good Samaritan Act; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5.8 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. Any person, including but not limited to any health care professional, who in good faith and without charge or compensation, and in compliance with the provisions of this section, renders emergency care or treatment by the use of or provision of an automatic external defibrillator, without objection of the injured victim thereof, shall not be held liable, in the absence of gross negligence or willful misconduct, for any civil damages for acts or omissions resulting from the use of or provision of an automatic external defibrillator or as a result of any act or omission in

providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

B. An automatic external defibrillator may be used by any person for the purpose of saving the life of another person in cardiac arrest. In order to ensure public health and safety:

1. Any person who has access to and may use an automatic external defibrillator must have demonstrated proficiency in the use of an automatic external defibrillator;

2. Any person or entity in possession of an automatic external defibrillator is encouraged to register, with the regional medical director of the regional emergency medical services system established pursuant to the Oklahoma Emergency Medical Services Act, the existence and location of the automatic external defibrillator; and

3. Any person who uses an automatic external defibrillator is required to call or otherwise access the primary emergency telephone number to request emergency services for such other person as soon as possible upon use of the automatic external defibrillator.

C. The provisions of this section shall be a part of the Good Samaritan Act created pursuant to Section 5 of Title 76 of the Oklahoma Statutes.

D. The right of action to recover damages for injuries resulting in death shall not be abrogated pursuant to the provisions of this section.

SECTION 2. This act shall become effective November 1, 1998.

46-2-9238

KSM