

ENROLLED HOUSE
BILL NO. 1190

By: Stanley, Pettigrew,
Ostrander, Weaver, Covey,
Turner, Pope (Clay),
Bryant, Fields and Gilbert
of the House

and

Long of the Senate

An Act relating to emergency medical treatment; providing immunity from civil liability for certain qualified persons with certain exceptions; stating qualifications; requiring Commissioner of Health to adopt certain rules providing for approval and disapproval of certain programs and instructors; providing immunity from civil liability for certain qualified entities with certain exceptions; stating qualifications; defining terms; 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 5A of Title 76, unless there is created a duplication in numbering, reads as follows:

A. 1. A person who is qualified pursuant to this subsection and who, in good faith and without expectation of compensation, renders emergency care or treatment outside of a medical facility by the use of an automated external defibrillator shall be immune from civil liability for personal injury which results from the use of the device, except for acts of gross negligence or willful or wanton misconduct.

2. A person is qualified pursuant to this subsection upon successful completion of appropriate training in the use of automated external defibrillators and cardiopulmonary resuscitation. Appropriate training shall consist of a course of at least four (4) hours of training in the use of automated external defibrillators and cardiopulmonary resuscitation. Providers and instructors of these courses shall be approved pursuant to rules adopted by and shall be subject to approval or disapproval in the discretion of the Commissioner of Health. These rules may include appropriate periodic retraining at intervals established by the Commissioner by rule.

B. 1. A qualified person or entity which owns, leases, possesses, or otherwise controls an automated external defibrillator shall be immune from civil liability for personal injury which results from the use of the device, except for acts of gross negligence or willful or wanton misconduct.

2. A person or entity is qualified pursuant to this subsection if the person or entity:

- a. requires users of its automated external defibrillator to be qualified pursuant to subsection A of this section, and
- b. maintains and tests its automated external defibrillator according to the manufacturer's instructions.

C. For purposes of this section:

1. "Automated external defibrillator" means a medical device consisting of a heart monitor and defibrillator which:

- a. has received approval of its premarket notification, filed pursuant to 21 U.S.C., Section 360(k), from the United States Food and Drug Administration,
- b. is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed, and
- c. upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart; and

2. "Entity" means public and private organizations including, but not limited to, the State of Oklahoma and its agencies and political subdivisions, a proprietorship, partnership, limited liability company, corporation, or other legal entity, whether or not operated for profit.

SECTION 2. This act shall become effective November 1, 1999.

Passed the House of Representatives the 21st day of April, 1999.

Speaker of the House of
Representatives

Passed the Senate the 30th day of March, 1999.

President of the Senate