

Committee Substitute for House Bill No. 1190

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1190 — By STANLEY, PETTIGREW and OSTRANDER.

An Act relating to torts; making certain persons using or providing automated external defibrillator immune from civil liability in certain situations; providing exceptions; listing certain conditions for release of liability; making section part of Good Samaritan Act; defining term; 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 or entity 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, or the entity to whom the device is registered shall be immune from civil liability for any personal injury as a result of such care or treatment or failure to act in providing or arranging further medical treatment or care for the injured person except for acts of gross negligence or willful or wanton misconduct.

B. 1. In order to qualify under the provisions of this section, a person or entity acquiring an automated external defibrillator shall comply with the following provisions:

- a. ensure that expected defibrillator users receive reasonable training in defibrillator use and cardiopulmonary resuscitation by a national or state-approved course and instructor. Such training, shall include, at a minimum, four (4) hours of training in the use of automated external defibrillators pursuant to a program offered by the American Heart Association or the American Red Cross or other training equivalent to such offered programs. The user of a defibrillator shall possess demonstrated proficiency in defibrillator use and cardiopulmonary resuscitation,
- b. ensure that the defibrillator is maintained and tested according to the manufacturer's operational guidelines,
- c. enlist medical direction by a licensed physician in the use of the defibrillator and cardiopulmonary resuscitation, and
- d. a person or entity in possession of a defibrillator shall notify the ambulance service provider that serves the area where the person or entity is located.

2. Upon the use of an automated external defibrillator in an emergency care situation, the person or entity to whom the device is registered must immediately notify emergency authorities of its use.

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.

E. For purposes of this section, the term “automated external defibrillator” means a medical device heart monitor and defibrillator that:

1. Has received approval of its pre-market notification filed pursuant to 21 U.S.C., Section 360(k), from the United States Food and Drug Administration;

2. 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

3. Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual’s heart.

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-18-99 — DO PASS, As Coauthored.