

Senate Bill 9

By: Senators Rhett of the 33rd, Tillery of the 19th, Harbin of the 16th, Burns of the 23rd, Brass of the 28th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to
2 general provisions for public officers and employees, so as to require state office buildings
3 to have at least one functional automated external defibrillator on site at all times for use
4 during emergencies; to provide for definitions; to provide for training; to provide for
5 requirements for maintaining and using such automated external defibrillator; to provide for
6 activation of emergency medical emergency systems; to amend Code Section 51-1-29.3 of
7 the Official Code of Georgia Annotated, relating to immunity for operators of external
8 defibrillators, so as to provide tort immunity for individuals using an automated external
9 defibrillator at a state office building; to provide for a short title; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Kathleen Cominski Act."

SECTION 2.

14

15 Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to general
16 provisions for public officers and employees, is amended by adding a new Code section to
17 read as follows:

18 "45-1-9.

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

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

21 (A) Is capable of cardiac rhythm analysis;

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

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

26 (2) 'State office building' means any building owned, leased, or occupied by any
27 department, commission, board, bureau, agency, public corporation, or other
28 instrumentality of the state in which 100 or more employees or contractors are located.

29 (b) No later than June 30, 2024, every state office building shall have at least one
30 functional automated external defibrillator on site at all times for use during emergencies,
31 and such automated external defibrillator shall be easily accessible during business hours.

32 (c) The Georgia Building Authority shall ensure that for each state office building:

33 (1) Persons authorized to use the automated external defibrillator complete American
34 Heart Association or American Red Cross training in cardiopulmonary resuscitation and
35 automated external defibrillator use or complete an equivalent nationally recognized
36 course;

37 (2) The automated external defibrillator is maintained and tested according to the
38 manufacturer's operational guidelines; and

39 (3) Designated personnel activate the emergency medical services system as soon as
40 reasonably possible after any person renders emergency care or treatment to a person in
41 cardiac arrest by using an automated external defibrillator."

42 **SECTION 3.**

43 Code Section 51-1-29.3 of the Official Code of Georgia Annotated, relating to immunity for
44 operators of external defibrillators, is amended by revising subsection (a) as follows:

45 "(a) The persons described in this Code section shall be immune from civil liability for any
46 act or omission to act related to the provision of emergency care or treatment by the use of
47 or provision of an automated external defibrillator, as described in Code
48 Sections 31-11-53.1, ~~and~~ 31-11-53.2, and 45-1-9, except that such immunity shall not apply
49 to an act of willful or wanton misconduct and shall not apply to a person acting within the
50 scope of a licensed profession if such person acts with gross negligence. The immunity
51 provided for in this Code section shall extend to:

52 (1) Any person who gratuitously and in good faith renders emergency care or treatment
53 by the use of or provision of an automated external defibrillator without objection of the
54 person to whom care or treatment is rendered;

55 (2) The owner or operator of any premises or conveyance who installs or provides
56 automated external defibrillator equipment in or on such premises or conveyance;

57 (3) Any physician or other medical professional who authorizes, directs, or supervises
58 the installation or provision of automated external defibrillator equipment in or on any
59 premises or conveyance other than any medical facility as defined in paragraph (5) of
60 Code Section 31-7-1; and

61 (4) Any person who provides training in the use of automated external defibrillator
62 equipment as required by subparagraph (b)(1)(A) of Code Section 31-11-53.2, whether
63 compensated or not. This Code section is not applicable to any training or instructions

64 provided by the manufacturer of the automated external defibrillator or to any claim for
65 failure to warn on the part of the manufacturer.”

66 **SECTION 4.**

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