

IN THE SENATE

SENATE BILL NO. 1390

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR; AMENDING SECTION 5-337, IDAHO CODE, TO DELETE PROVISIONS RELATING TO IMMUNITY FROM CIVIL DAMAGES FOR CERTAIN PERSONS OR ENTITIES WHO ACQUIRE OR MAINTAIN A DEFIBRILLATOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 5-337, Idaho Code, be, and the same is hereby amended to read as follows:

5-337. IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR (AED). (1) As used in this section, "defibrillator" means an "automated external defibrillator (AED)" which has been prescribed by a physician or osteopath licensed pursuant to chapter 18, title 54, Idaho Code.

(2) In order to promote public health and safety:

(a) A person or entity who acquires a defibrillator as a result of a prescription shall ensure that:

(i) Expected defibrillator users receive training in its use and care equivalent to the CPR and AED training of the American heart association, the American red cross or similar entities;

(ii) The defibrillator is maintained and tested by the owner according to the manufacturer's operational guidelines;

(iii) There is involvement of a licensed physician in the owner's program to ensure compliance with requirements for training, notification, maintenance and guidelines for use;

(iv) Any person who renders emergency care or treatment to a person in cardiac arrest by using a defibrillator must activate the emergency medical services system as soon as possible, and must report any clinical use of the defibrillator to the prescribing physician.

(b) Any person or entity who acquires a defibrillator as a result of a prescription shall notify an agent of the emergency communications system or emergency vehicle dispatch center of the existence, location and type of defibrillator.

(3) (a) Any person who reasonably renders emergency care using a defibrillator, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions.

(b) No cause of action shall be maintained against a licensed physician, osteopath, physician assistant, nurse practitioner, or nurse, or against an emergency medical technician, fireman, peace officer, ambulance attendant or other person trained to use a defibrillator, or against a person or entity who acquires or maintains

1 a defibrillator which arises from the reasonable use of a defibrillator  
2 in an emergency setting and no cause of action shall be maintained  
3 against the physician or osteopath who wrote the prescription for the  
4 defibrillator if the prescription was written in good faith.

5 (c) This immunity from civil liability does not apply if the acts or  
6 omissions amount to gross negligence or willful or wanton or reckless  
7 misconduct.

8 ~~(d) The protection afforded within paragraph (a) of this subsection~~  
9 ~~is applicable to a person or entity who acquires or maintains a~~  
10 ~~defibrillator if such person or entity complies with the maintenance~~  
11 ~~requirements set forth in subsection (2) (a) (ii) of this section.~~

12 (4) A defibrillator acquired pursuant to a prescription and possessed  
13 in compliance with subsection (2) of this section is exempt from the  
14 provisions of chapter 10, title 56, Idaho Code.