

2011 -- H 5098

LC00290

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --  
CAUSES OF ACTION

Introduced By: Representatives Ajello, JP O`Neill, E Coderre, Handy, and Lima

Date Introduced: January 20, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Purpose of the act.-

2 WHEREAS, Approximately 300,000 Americans suffer sudden cardiac arrest each year  
3 and 92 percent of them die before reaching the hospital;

4 WHEREAS, In the population of Rhode Island, an estimated 1,000 residents will die of  
5 cardiac arrest every year;

6 WHEREAS, Many of these lives could be saved if bystanders act immediately to phone  
7 9-1-1, begin cardiopulmonary resuscitation (CPR), and use an automated external defibrillator  
8 (AED);

9 WHEREAS, Early cardiopulmonary resuscitation (CPR) can double a victim's chance of  
10 survival by maintaining vital blood flow to the heart and brain until more advanced care can be  
11 given;

12 WHEREAS, In cities where defibrillation is provided within 5 to 7 minutes, the survival  
13 rate from sudden cardiac arrest is as high as 49 percent; and

14 WHEREAS, Automated external defibrillators (AEDs) are extremely accurate  
15 computerized devices that can be operated by laypersons.

16 SECTION 2. Section 9-1-34 of the General Laws in Chapter 9-1 entitled "Causes of  
17 Action" is hereby amended to read as follows:

18 **9-1-34. Administering cardiopulmonary resuscitation or automated external**

1 **defibrillation -- Immunity from liability.** -- (a) No person, whether acting in an official capacity  
2 or as a private volunteer, who gratuitously renders emergency assistance in the nature of  
3 cardiopulmonary resuscitation or automated external defibrillation to a person in need thereof,  
4 shall be liable for civil damages for any personal injuries which result from acts or omissions by  
5 such persons rendering the emergency care, which may constitute ordinary negligence; ~~provided,~~  
6 ~~however, that this immunity applies only to persons who have been trained in accordance with~~  
7 ~~standards promulgated by either the American heart association or the American national red~~  
8 ~~cross.~~ This immunity does not apply to acts or omissions constituting gross, willful, or wanton  
9 negligence. This immunity shall also extend to persons providing approved training in  
10 cardiopulmonary resuscitation and use of automated external defibrillation in accordance with  
11 standards promulgated by either the American heart association or the American national red  
12 cross and to physicians providing medical direction oversight for programs of automated external  
13 defibrillator use.

14 (b) Property lessees and owners where the emergency assistance occurs as well as the  
15 owners of the actual life saving equipment shall enjoy immunity from liability.

16 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would provide that no person who gratuitously renders emergency assistance in  
2 the nature of cardiopulmonary resuscitation or automated external defibrillation to a person in  
3 need thereof, would be liable for civil damages for any personal injuries which result from acts or  
4 omissions by such persons rendering the emergency care, which may constitute ordinary  
5 negligence.

6           This act would take effect upon passage.

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