

**CS FOR HOUSE BILL NO. 395(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/13/98

Referred: Rules

Sponsor(s): REPRESENTATIVES BUNDE, Hudson, Croft

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to civil liability resulting from the use of a defibrillator in  
2 providing emergency aid or emergency training."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 09.65.090(c) is amended to read:

5 (c) The immunity provided under (b) of this section does not apply to civil  
6 damages that result from providing or attempting to provide any of the following  
7 advanced life support techniques unless the person who provided them was authorized  
8 by law to provide them:

- 9 (1) **manual** electric cardiac defibrillation;  
10 (2) administration of antiarrhythmic agents;  
11 (3) intravenous therapy;  
12 (4) intramuscular therapy; or  
13 (5) use of endotracheal intubation devices.

14 \* **Sec. 2.** AS 09.65.090 is amended by adding new subsections to read:

1 (e) A person who uses an automated external defibrillator to treat another  
 2 person in cardiac arrest is not liable for civil damages as a result of an act or omission  
 3 in treating the other person if the person was properly trained to use the device and  
 4 activates the emergency medical services system by notifying the appropriate  
 5 emergency medical services agency.

6 (f) A person or organization providing training in the use of an automated  
 7 external defibrillator is not liable for civil damages as a result of providing training in  
 8 the use of the automated external defibrillator in a course approved by the Department  
 9 of Health and Social Services.

10 (g) A person or organization making an automated external defibrillator  
 11 available for use by a person trained in its use is not liable for civil damages as the  
 12 result of making the device available if

13 (1) expected defibrillator users receive reasonable instruction in  
 14 defibrillator use and cardiopulmonary resuscitation in a course approved by the  
 15 Department of Health and Social Services; a user of a defibrillator shall maintain a  
 16 current proficiency in defibrillator use and cardiopulmonary resuscitation;

17 (2) a physician approved the purchase of the automated external  
 18 defibrillator;

19 (3) the device is maintained consistent with the manufacturer's  
 20 recommendations; and

21 (4) the person or entity who acquires a defibrillator provides written  
 22 notification to the local emergency medical services agency about the existence and  
 23 the location of the defibrillator.

24 (h) In this section, "properly trained" means that the individual has completed  
 25 an automated external defibrillator training course from the American Heart  
 26 Association, the American Red Cross, or another automated external defibrillator  
 27 training course approved by the Department of Health and Social Services.

28 \* **Sec. 3.** AS 18.08.090(1) is amended to read:

29 (1) "advanced life support" means emergency care techniques provided  
 30 under the written or oral orders of a physician that include, **manual** [BUT ARE NOT  
 31 LIMITED TO,] electric cardiac defibrillation, administration of antiarrhythmic agents,

**1** intravenous therapy, intramuscular therapy, or use of endotracheal intubation devices;