

**SENATE BILL NO. 325**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY SENATOR THERRIAULT**

**Introduced: 2/19/02**

**Referred: Health, Education and Social Services, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to civil liability for use of an automated external defibrillator; and**  
2 **providing for an effective date."**

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

4 \* **Section 1.** AS 09.65 is amended by adding a new section to read:

5 **Sec. 09.65.087. Civil liability for use of an automated external**  
6 **defibrillator.** (a) A person who uses or attempts to use an automated external  
7 defibrillator device on a victim of a perceived medical emergency is not liable for civil  
8 damages resulting from the use or attempted use of the device. This subsection does  
9 not apply to civil damages resulting from a failure to notify the appropriate emergency  
10 medical services agency.

11 (b) A person who acquires or provides an automated external defibrillator  
12 device for use on a victim of a perceived medical emergency is not liable for civil  
13 damages resulting from the use or attempted use of the device. This subsection does  
14 not apply to civil damages resulting from the failure of the person who acquires or

1 provides the device to

2 (1) notify the local emergency medical response authority or other  
3 appropriate entity of the most recent placement of the device within 30 days following  
4 placement of the device;

5 (2) properly maintain and test the device;

6 (3) provide, within a reasonable proximity to the device's usual  
7 location, a means of notifying the local emergency medical response authority that an  
8 emergency exists in the event that a medical emergency occurs where the device is  
9 used; or

10 (4) provide appropriate training in the use of the device to an employee  
11 or agent of the person who acquires the device when the employee or agent was the  
12 person who used the device on the victim; this paragraph does not apply and immunity  
13 is provided under this subsection if

14 (A) the employee or agent who used the device on the victim  
15 was not an employee or agent who would have been reasonably expected to  
16 use the device;

17 (B) the period of time elapsing between hiring the person as an  
18 employee or agent and the occurrence of the harm, or between the acquisition  
19 of the device and the occurrence of the harm, in any case in which the device  
20 was acquired after hiring the employee or agent was not in excess of six  
21 months;

22 (C) the device was intended for and placed in a location where  
23 the person or entity would not regularly have an employee or agent present; or

24 (D) the device was placed in a location that provided public  
25 access to the device by persons who volunteer to use the device and are not  
26 employees or agents of the person who acquires or provides the device.

27 (c) In this section, "appropriate training" means that the individual has  
28 completed an automated external defibrillator training course from the American  
29 Heart Association, the American Red Cross, or another automated external  
30 defibrillator training course approved by the Department of Health and Social  
31 Services.

1     \* **Sec. 2.** AS 09.65.090(e) and 09.65.090(f) are repealed.

2     \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4             **APPLICABILITY.** This Act applies to a civil action that accrues on or after the  
5 effective date of this Act.

6     \* **Sec. 4.** This Act takes effect July 1, 2002.