

**ALASKA STATE LEGISLATURE  
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES  
STANDING COMMITTEE**

April 11, 2003  
1:35 p.m.

**MEMBERS PRESENT**

Senator Fred Dyson, Chair  
Senator Lyda Green, Vice Chair  
Senator Gary Wilken  
Senator Bettye Davis

**MEMBERS ABSENT**

Senator Gretchen Guess

**COMMITTEE CALENDAR**

SENATE BILL NO. 160

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

MOVED CSSB 160(HES) OUT OF COMMITTEE

**PREVIOUS ACTION**

SB 160 - No previous action to record.

**WITNESS REGISTER**

Senator Donny Olson  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Sponsor of SB 160.

Ms. Jessica Ethridge  
Staff to Donny Olson  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Commented on SB 160.

Mr. Mark Johnson  
Community Health and Emergency Medical Services  
Department of Health &  
Social Services

PO Box 110601  
Juneau, AK 99801-0601  
**POSITION STATEMENT:** Supported SB 160.

Ms. Jennifer App, Advocacy Director  
American Heart Association  
1057 W. Fireweed Lane  
Anchorage AK 99503  
**POSITION STATEMENT:** Supported SB 160.

**ACTION NARRATIVE**

**TAPE 03-20, SIDE A**

**SB 160-CIVIL LIABILITY FOR DEFIBRILLATOR USE**

**CHAIR FRED DYSON** called the Senate Health, Education and Social Services Standing Committee meeting to order at 1:35 p.m. Present were SENATORS WILKEN, GREEN, and DAVIS. He announced SB 160 to be up for consideration.

SENATOR DONNY OLSON, sponsor, said this legislation would provide faster treatment for Alaskans who suffer a cardiac arrest by making automatic external defibrillators (AED) increasingly available. Each year, 250,000 people die in the United States as a result of a sudden cardiac arrest. The most important treatment for more than half of them is immediate defibrillation. For each minute a person remains in cardiac arrest, that person's chance of ultimate survival is decreased by approximately 7 to 10 percent. AEDs have evolved significantly over the last couple of years and are much safer and easier to use. AEDs have the ability to discern between shockable and non-shockable rhythms; it's literally impossible to shock a person who doesn't require it.

Businesses and municipalities are interested in making more AEDs available in the workplace in locations where large groups gather. Currently, the Good Samaritan provision under Alaska law gives immunity from civil liability for any person trained to use the AED, but this immunity does not apply to those individuals in organizations that make devices accessible in the workplace. As a result, these devices have not been made readily available. SB 160 removes that impediment by extending the Good Samaritan immunity to owners and operators of public and private facilities.

SENATOR OLSON said he became aware there was some confusion about page 2, lines 10-26 and he has an amendment that makes the language clearer.

SENATOR LYDA GREEN moved to adopt Amendment 1, Ford-A.2.

23-LS0890\A.2  
Ford  
1/27/04

A M E N D M E N T 1

OFFERED IN THE SENATE  
TO: SB 160

Page 2, lines 10 - 26:

Delete all material and insert:

"(4) provide appropriate training in the use of the device to an employee or agent of the person who acquires or provides the device; however, this paragraph does not apply and immunity is provided under this subsection if the period of time elapsing between hiring the person as an employee or agent and the occurrence of the harm, or between the acquisition of the device and the occurrence of the harm in any case in which the device was acquired after hiring the employee or agent, was not in excess of six months.

(c) The immunity provided by (b) of this section does not apply to a manufacturer of an automated external defibrillator."

Reletter the following subsection accordingly.

There were no objections and Amendment 1 was adopted.

MS. JESSICA ETHRIDGE, staff to Senator Olson, added that the intent is not to provide immunity for the manufacturer.

MR. MARK JOHNSON, Community Health and Emergency Medical Services, DHSS, supported SB 160.

MS. JENNIFER APP, Advocacy Director, American Heart Association, supported SB 160. "In the Heart Association's development of a four-part chain of survival, access to defibrillation is one of the most important and most significant pieces of that chain."

She said if someone goes into cardiac arrest, it's only 8 to 10 minutes before there's no chance of survival.

SENATOR GREEN commented that the instructions on the devices are easy for a person to understand.

MS. APP said this bill removes the requirement for an individual to be trained in the use of the AED, but it is incredibly easy to use.

SENATOR GARY WILKEN asked how much a machine costs.

MS. APP replied that it costs around \$800.

CHAIR DYSON asked what kind of servicing the machines need.

MS. APP answered that they need regular maintenance to make sure the batteries are being charged and that the AED providers (actual manufacturers) do yearly check-ups.

SENATOR BETTYE DAVIS moved CSSB 160(HES) from committee with individual recommendations and its attached fiscal note. There were no objections and it was so ordered.

CHAIR DYSON adjourned the meeting at 1:47 p.m.