

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/21/98

Referred: Rules

Sponsor(s): REPRESENTATIVES BUNDE, Hudson, Croft

SENATORS Kelly, Duncan, Parnell, Leman, Halford, Sharp, Mackie, Green, Lincoln

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.** PURPOSE. It is the purpose of this Act to

5 (1) provide civil immunity for emergency aid requiring the use of a
6 defibrillator; and

7 (2) promote the proper use of defibrillators in emergency training in a manner
8 that reduces civil liability.

9 * **Sec. 2.** AS 09.65.090(c) is amended to read:

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

14 (1) **manual** electric cardiac defibrillation;

- 1 (2) administration of antiarrhythmic agents;
2 (3) intravenous therapy;
3 (4) intramuscular therapy; or
4 (5) use of endotracheal intubation devices.

5 * **Sec. 3.** AS 09.65.090 is amended by adding new subsections to read:

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

11 (f) In this section, "properly trained" means that the individual has completed
12 an automated external defibrillator training course from the American Heart
13 Association, the American Red Cross, or another automated external defibrillator
14 training course approved by the Department of Health and Social Services.

15 * **Sec. 4.** AS 18.08.090(1) is amended to read:

16 (1) "advanced life support" means emergency care techniques provided
17 under the written or oral orders of a physician that include, **manual** [BUT ARE NOT
18 LIMITED TO,] electric cardiac defibrillation, administration of antiarrhythmic agents,
19 intravenous therapy, intramuscular therapy, or use of endotracheal intubation devices;