

Idaho AED Law

Senate Bill 1185 - Passed 1999

LEGISLATURE OF THE STATE OF IDAHO

Fifty-fifth Legislature--First Regular Session – 1999

IN THE SENATE

SENATE BILL NO. 1185, As Amended in the House

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-337, IDAHO CODE, TO DEFINE AN AUTOMATED EXTERNAL DEFIBRILLATOR, TO PRESCRIBE THE CONDITIONS FOR USE AND TO PROVIDE IMMUNITY TO PERSONS WHO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IN USING A DEFIBRILLATOR IN AN EMERGENCY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION , to be known and designated as Section 5-337, Idaho Code, and to read as follows:

5-337. IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR (AED).

- (1) As used in this section, "defibrillator" means an "automated external defibrillator (AED)" which has been prescribed by a physician or osteopath licensed pursuant to chapter 18, title 54, Idaho Code.
- (2) In order to promote public health and safety:
 - (a) A person or entity who acquires a defibrillator as a result of a prescription shall ensure that:
 - (i) Expected defibrillator users receive training in its use and care equivalent to the CPR and AED training of the American heart association, the American red cross or similar entities;
 - (ii) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

- (iii) There is involvement of a licensed physician in the site's program to ensure compliance with requirements for training, notification, maintenance and guidelines for use;
 - (iv) Any person who renders emergency care or treatment to a person defibrillator to the prescribing physician.
- (b) Any person or entity who acquires a defibrillator as a result of a prescription shall notify an agent of the emergency communications system or emergency vehicle dispatch center of the existence, location and type of defibrillator.
- (3) No cause of action shall be maintained which arises from the good faith use of a defibrillator in an emergency setting. This immunity from civil liability does not apply if the acts or omissions amount to gross negligence or willful or wanton misconduct.
- (4) A defibrillator acquired pursuant to a prescription and possessed in compliance with subsection (2) of this section is exempt from the provisions of chapter 1, title 39, Idaho Code.

SECTION 2. An emergency existing therefore, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS09063

Currently many people die unexpectedly from heart attack. Statistics show that when the heart stops beating, treatment must be initiated within 4 minutes or permanent damage or death will likely occur. It is very difficult for paramedics to arrive on the scene within this time frame. In many public and private areas, however, newly developed Automatic External Defibrillators could be used within this time frame, with minimal training.

Computer technology has advanced so rapidly, that these new Automatic Defibrillators are actually able to interpret heart beat irregularity with as much accuracy as many Health Care Providers and automatically deliver a life-saving shock.

This bill would allow the use of this high-tech equipment and grants the user good Samaritan protection.

FISCAL NOTE

There would be no fiscal impact to the general fund.