

Missouri AED Act

89TH GENERAL ASSEMBLY S3458.08T 1998

AN ACT

To repeal section 192.1000, RSMo Supp. 1997, relating to first responder programs, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 192.1000, RSMo Supp. 1997, is repealed and one new section enacted in lieu thereof, to be known as section 190.375, to read as follows:

190.375. 1. For purposes of this section, "first responder" shall be defined as a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.180 and who provides emergency medical care through employment by, or in association with, an emergency medical response agency. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.

2. Any county, municipality or fire protection district may establish a program to allow the use of automated external defibrillators by any person properly qualified who follows medical protocol for use of the device or member of a fire, police, ambulance service, emergency medical response agency or first responder agency provided that such person has completed a course certified by the American Red Cross or American Heart Association that includes cardiopulmonary resuscitation training and demonstrated proficiency in the use of such automated external defibrillators.

3. A person or entity who acquires an automated external defibrillator shall ensure that:

(1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

(3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and

(4) Any person that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician provide medical protocol for the use of the device.

4. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

5. Any person who has had appropriate training, including a course in cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator, and who gratuitously and in good faith renders emergency care when medically appropriate by use of or provision of an automated external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent person, or with regard to a health care professional, as a reasonably prudent and careful health care provider would have acted, under the same or similar circumstances. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

192.1000. 1. Pursuant to this section, a "First Responder" program may be established which will allow the use of automatic external defibrillators by first responders.

2. The program established pursuant to subsection 1 of this section shall be in two stages. The first stage shall be an appropriate pilot project in the following: any county of the first classification which contains a city with a population of one hundred thousand or more inhabitants which adjoins no other county of the first classification; any county of the first classification without a charter form of government which adjoins the state of Kansas and has a population greater than eighty- eight thousand and less than one hundred thousand; any city with a population greater than seventy thousand which is within a county of the first classification without a charter form of government and such county adjoins the Missouri River and adjoins another county of the first classification without a charter form of government; any county of the third classification which adjoins the state of Arkansas but does not adjoin the Mississippi River and has a population greater than eighteen thousand and less than twenty-nine thousand; any county of the third classification with a population greater than twenty-two thousand and less than twenty-five thousand which adjoins a county of the first classification without a charter form of government with a population greater than two hundred thousand and such county of the third classification adjoins five other counties of the third classification; any county of the third classification with a population less than twenty thousand adjoining both the Mississippi River and a county of the second classification; and any county of the third classification which adjoins the state of Arkansas and contains a portion of a lake which has more than three hundred miles of shoreline within the state of Missouri. Following evaluation of the pilot projects, the department of health may make recommendations to the legislature regarding statewide implementation of the first responder early defibrillation.