

## **PENNSYLVANIA AED Law**

### **House Bill 1897 - Passed 1997**

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for THE NUMBER OF JUDGES IN THE COURTS OF COMMON PLEAS AND THE PHILADELPHIA MUNICIPAL COURT, FOR jurisdiction and venue of the Philadelphia Municipal Court AND FOR JUVENILE PROCEEDINGS; PROVIDING FOR GOOD SAMARITAN CIVIL IMMUNITY FOR USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR; AND MAKING APPROPRIATIONS.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1123(a) of Title 42 of the Pennsylvania

§ 8331.2. GOOD SAMARITAN CIVIL IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR.

(A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY INDIVIDUAL WHO IS TRAINED TO USE AN AUTOMATED EXTERNAL DEFIBRILLATOR IN ACCORDANCE WITH SUBSECTION (C) AND WHO IN GOOD FAITH USES AN AED IN AN EMERGENCY SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES AS A RESULT OF ANY ACTS OR OMISSIONS BY SUCH INDIVIDUAL IN USING THE AED, EXCEPT ANY ACTS OR OMISSIONS INTENTIONALLY DESIGNED TO HARM OR ANY GROSSLY NEGLIGENT ACTS OR OMISSIONS WHICH RESULT IN HARM TO THE INDIVIDUAL RECEIVING THE AED TREATMENT.

(B) REQUIREMENTS.--ANY PERSON WHO ACQUIRES AND MAINTAINS AN AED FOR USE IN ACCORDANCE WITH THIS SECTION SHALL NOT BE LIABLE FOR CIVIL DAMAGES PROVIDED THAT THE PERSON:

- (1) ENSURES THAT EXPECTED AED USERS RECEIVE TRAINING PURSUANT TO SUBSECTION (C).
- (2) MAINTAINS AND TESTS THE AED ACCORDING TO THE MANUFACTURER'S OPERATIONAL GUIDELINES.
- (3) PROVIDES INSTRUCTION REQUIRING THE USER OF THE AED TO UTILIZE AVAILABLE MEANS TO IMMEDIATELY CONTACT AND ACTIVATE THE EMERGENCY MEDICAL SERVICES SYSTEM.
- (4) ASSURES THAT ANY APPROPRIATE DATA OR INFORMATION IS MADE AVAILABLE TO EMERGENCY MEDICAL SERVICES PERSONNEL OR OTHER HEALTH CARE PROVIDERS AS REQUESTED.

(C) TRAINING.--FOR PURPOSES OF THIS SECTION, EXPECTED AED USERS SHALL COMPLETE TRAINING IN THE USE OF AN AED PROVIDED BY THE AMERICAN NATIONAL RED CROSS OR THE AMERICAN HEART ASSOCIATION OR THROUGH AN EQUIVALENT COURSE

OF INSTRUCTION APPROVED BY THE DEPARTMENT OF HEALTH IN CONSULTATION WITH A TECHNICAL COMMITTEE OF THE PENNSYLVANIA EMERGENCY HEALTH SERVICES COUNCIL.

(D) OBSTRUCTION OF EMERGENCY MEDICAL SERVICES PERSONNEL.--

NOTHING IN THIS SECTION SHALL RELIEVE A PERSON WHO USES AN AED FROM CIVIL DAMAGES WHEN THAT PERSON OBSTRUCTS OR INTERFERES WITH CARE AND TREATMENT BEING PROVIDED BY EMERGENCY MEDICAL SERVICES PERSONNEL OR A HEALTH PROFESSIONAL.

(E) EXCEPTION.--ANY INDIVIDUAL WHO LACKS THE TRAINING SET

FORTH IN SUBSECTION (C), BUT WHO HAS ACCESS TO AN AED AND IN GOOD FAITH USES AN AED IN AN EMERGENCY AS AN ORDINARY REASONABLY PRUDENT INDIVIDUAL WOULD DO UNDER THE SAME OR SIMILAR CIRCUMSTANCES, SHALL RECEIVE IMMUNITY FROM CIVIL DAMAGES AS SET FORTH IN SUBSECTION (A).

(F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"AUTOMATED EXTERNAL DEFIBRILLATOR" OR "AED." A PORTABLE DEVICE THAT USES ELECTRIC SHOCK TO RESTORE A STABLE HEART RHYTHM TO AN INDIVIDUAL IN CARDIAC ARREST.

"EMERGENCY." A SITUATION WHERE AN INDIVIDUAL IS BELIEVED TO BE IN CARDIAC ARREST AND IN NEED OF IMMEDIATE MEDICAL ATTENTION TO PREVENT DEATH OR SERIOUS INJURY.

"GOOD FAITH." INCLUDES A REASONABLE OPINION THAT THE IMMEDIACY OF THE SITUATION IS SUCH THAT THE USE OF AN AED SHOULD NOT BE POSTPONED UNTIL EMERGENCY MEDICAL SERVICES PERSONNEL ARRIVE OR THE PERSON IS HOSPITALIZED.