

FIRST REGULAR SESSION

# HOUSE BILL NO. 717

## 96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ZERR.

1720L.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal sections 167.624 and 190.092, RSMo, and to enact in lieu thereof two new sections relating to automated external defibrillators.

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

Section A. Sections 167.624 and 190.092, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 167.624 and 190.092, to read as follows:

167.624. Each school board in the state, if the school district does not presently have a  
2 program as described below, may develop and implement a program to train the students and  
3 employees of the district in the administration of cardiopulmonary resuscitation and other  
4 lifesaving methods, as they determine best, and may consult the department of public safety, the  
5 state fire marshal's office, the local fire protection authorities, and others as the board sees fit.  
6 The board may make completion of the program a requirement for graduation. Any [trained]  
7 employee, **agent, or volunteer of the school district** shall be held harmless and immune from  
8 any civil liability for administering cardiopulmonary resuscitation and other lifesaving methods  
9 in good faith and according to standard medical practices, **or in accordance with instructions**  
10 **for use of an automated external defibrillator.**

190.092. 1. This section shall be known and may be cited as the "Public Access to  
2 Automated External Defibrillator Act".

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 cardiopulmonary resuscitation, **or a training course approved by the Missouri department**  
8 **of health and senior services;**

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

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

14 (4) Any person or entity that owns an automated external defibrillator that is for use  
15 outside of a health care facility shall have a physician review and approve the clinical protocol  
16 for the use of the defibrillator, review and advise regarding the training and skill maintenance  
17 of the intended users of the defibrillator and assure proper review of all situations when the  
18 defibrillator is used to render emergency care].

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

22 4. Any person who gratuitously and in good faith renders emergency care by use of or  
23 provision of an automated external defibrillator shall not be held liable for any civil damages as  
24 a result of such care or treatment, unless the person acts in a willful and wanton or reckless  
25 manner in providing the care, advice, or assistance. The person or entity who provides  
26 appropriate training to the person using an automated external defibrillator, the person or entity  
27 responsible for the site where the automated external defibrillator is located, the person or entity  
28 that owns the automated external defibrillator, the person or entity that provided clinical protocol  
29 for automated external defibrillator sites or programs, and the [licensed physician who reviews  
30 and approves the clinical protocol] **person or entity that employs, contracts with, or**  
31 **otherwise designates as an agent a person who uses an external defibrillator** shall likewise  
32 not be held liable for civil damages resulting from the use of an automated external defibrillator.  
33 [Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538.]

34 5. All basic life support ambulances and stretcher vans operated in the state of Missouri  
35 shall be equipped with an automated external defibrillator and be staffed by at least one  
36 individual trained in the use of an automated external defibrillator.

37 6. The provisions of this section shall apply in all counties within the state and any city  
38 not within a county.

39 **7. For purposes of this section, the term "entity" means the state, a state agency,**  
40 **political subdivision, or a governmental entity of any type, or an organization, association,**  
41 **firm, corporation, partnership, sole proprietorship, or business of any kind or character.**