

FIRST REGULAR SESSION

HOUSE BILL NO. 1067

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DENISON (Sponsor), MUNZLINGER, KINGERY, STEVENSON, JONES (89), MARSH, RICHARD, SCHAAF, THRELKELD, NANCE, ICET, SMITH (150), WETER, MUSCHANY, WALLACE, SCHLOTTACH, PEARCE, FISHER, WELLS, SCHAD AND FAITH (Co-sponsors).

Read 1st time March 6, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2326L.01I

AN ACT

To repeal section 190.092, RSMo, and to enact in lieu thereof one new section relating to the use of automated external defibrillators.

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

Section A. Section 190.092, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 190.092, to read as follows:

190.092. 1. 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 or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol

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.

14 for the use of the defibrillator, review and advise regarding the training and skill maintenance
15 of the intended users of the defibrillator and assure proper review of all situations when the
16 defibrillator is used to render emergency care.

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

20 3. Any person who has had appropriate training, including a course in cardiopulmonary
21 resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator,
22 and who gratuitously and in good faith renders emergency care when medically appropriate by
23 use of or provision of an automated external defibrillator, without objection of the injured victim
24 or victims thereof, shall not be held liable for any civil damages as a result of such care or
25 treatment, where the person acts as an ordinarily reasonable, prudent person would have acted
26 under the same or similar circumstances. The person or entity who provides appropriate training
27 to the person using an automated external defibrillator, the person or entity responsible for the
28 site where the automated external defibrillator is located, **the person or entity that owns the**
29 **automated external defibrillator, the person or entity that provided medical management**
30 **for automated external defibrillator sites or programs,** and the licensed physician who
31 reviews and approves the clinical protocol shall likewise not be held liable for civil damages
32 resulting from the use of an automated external defibrillator, provided that all other requirements
33 of this section have been met. Nothing in this section shall affect any claims brought pursuant
34 to chapter 537 or 538, RSMo.

35 4. The provisions of this section shall apply in all counties within the state and any city
36 not within a county.

✓