

FIRST REGULAR SESSION

SENATE BILL NO. 423

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time February 21, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2177S.011

AN ACT

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Section A. Section 190.092, RSMo, is repealed and one new section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

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

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

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

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

24 4.] **In order to ensure public safety, a person or entity that**
25 **acquires an automated external defibrillator shall do all of the**
26 **following:**

27 **(1) Comply with all regulations governing the placement of an**
28 **automated external defibrillator;**

29 **(2) Notify an agent of the local emergency medical services**
30 **agency of the existence, location, and type of automated external**
31 **defibrillator acquired;**

32 **(3) Ensure that the automated external defibrillator is**
33 **maintained and tested according to the operation and maintenance**
34 **guidelines set forth by the manufacturer;**

35 **(4) Ensure that the automated external defibrillator is tested at**
36 **least biannually and after each use; and**

37 **(5) Ensure that an inspection is made of all automated external**
38 **defibrillators on the premises at least every ninety days for potential**
39 **issues related to operability of the device, including a blinking light or**
40 **other obvious defect that may suggest tampering or that another**
41 **problem has arisen with the functionality of the automated external**
42 **defibrillator.**

43 3. Any person who gratuitously and in good faith renders emergency care
44 by use of or provision of an automated external defibrillator shall not be held
45 liable for any civil damages **or subject to any criminal penalty** as a result of
46 such care or treatment, unless the person acts in a willful and wanton or reckless
47 manner in providing the care, advice, or assistance. The person or entity who
48 provides [appropriate] training to the person using an automated external
49 defibrillator, the person or entity responsible for the site where the automated
50 external defibrillator is located, **and** the person or entity that owns the
51 automated external defibrillator[, the person or entity that provided clinical
52 protocol for automated external defibrillator sites or programs, and the licensed
53 physician who reviews and approves the clinical protocol] shall likewise not be
54 held liable for civil damages **or subject to any criminal penalty** resulting
55 from the use of an automated external defibrillator. [Nothing in this section shall

56 affect any claims brought pursuant to chapter 537 or 538.]

57 [5.] 4. All basic life support ambulances and stretcher vans operated in
58 the state of Missouri shall be equipped with an automated external defibrillator
59 and be staffed by at least one individual trained in the use of an automated
60 external defibrillator.

61 [6.] 5. The provisions of this section shall apply in all counties within the
62 state and any city not within a county.

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