

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HOUSE BILL 2399

AN ACT

AMENDING SECTIONS 36-2261, 36-2262 AND 36-2263, ARIZONA REVISED STATUTES;
RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2261, Arizona Revised Statutes, is amended to
3 read:

4 36-2261. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Automated external defibrillator" means a medical device heart
7 monitor and defibrillator that:

8 (a) Is approved for premarket modification by the United States food
9 and drug administration pursuant to 21 United States Code section 360(k).

10 (b) Is capable of recognizing the presence or absence of ventricular
11 fibrillation or rapid ventricular tachycardia and is capable of determining,
12 without intervention by an operator, if defibrillation should be performed.

13 (c) Automatically charges and delivers an electrical impulse to a
14 person's heart when it determines that defibrillation should be performed.

15 2. "Defibrillation" means the administration of a controlled
16 electrical charge to the heart to restore a viable cardiac rhythm.

17 3. "Physician" means a physician who is licensed pursuant to title 32,
18 chapter 13 or 17, and who provides medical oversight services pursuant to
19 section 36-2262.

20 4. "TRAINED USER" MEANS A PERSON WHO IS THE EXPECTED USER OF AN
21 AUTOMATED EXTERNAL DEFIBRILLATOR AND WHO HAS COMPLETED TRAINING IN ITS USE.

22 5. "TRAINING" MEANS A STATE APPROVED COURSE IN CARDIOPULMONARY
23 RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR FOR THE LAY
24 RESCUER AND FIRST RESPONDER, INCLUDING THE COURSE ADOPTED BY THE AMERICAN
25 HEART ASSOCIATION AND IN EFFECT AS OF DECEMBER 31, 1998.

26 Sec. 2. Section 36-2262, Arizona Revised Statutes, is amended to read:

27 36-2262. Automated external defibrillators: use: requirements

28 ~~A.~~ Except as provided in section 36-2264, a person or entity that
29 acquires an automated external defibrillator shall:

30 1. Enter into an agreement with a physician who shall oversee ~~all~~ THE
31 aspects of public access to defibrillation, ~~including training, emergency~~
32 ~~medical services coordination, protocol approval, standing orders,~~
33 ~~communications, protocols and automated external defibrillator deployment~~
34 ~~strategies.~~

35 ~~2. Limit the use of an automated external defibrillator to trained~~
36 ~~responders.~~

37 ~~3.~~ 2. Require each trained ~~responder~~ USER who uses an automated
38 external defibrillator on a person in cardiac arrest to ~~+~~

39 ~~(a)~~ call telephone number 911 as soon as possible.

40 ~~(b)~~ 3. Submit a written report to the ~~physician,~~ BUREAU OF EMERGENCY
41 MEDICAL SERVICES AND TRAUMA SYSTEMS IN THE DEPARTMENT OF HEALTH SERVICES
42 within five working days after its use.

1 4. ENSURE THAT THE AUTOMATED EXTERNAL DEFIBRILLATOR IS MAINTAINED IN
2 GOOD WORKING ORDER AND TESTED ACCORDING TO THE MANUFACTURER'S GUIDELINES.

3 ~~B. The physician shall:~~

4 ~~1. Establish quality assurance guidelines that include a review of~~
5 ~~each use of the automated external defibrillator to evaluate performance.~~

6 ~~2. Be proficient in emergency medical services protocols,~~
7 ~~cardiopulmonary resuscitation and the use of automated external~~
8 ~~defibrillators.~~

9 ~~3. Ensure that each trained responder receives training in~~
10 ~~cardiopulmonary resuscitation and in the use of an automated external~~
11 ~~defibrillator by completing the heart saver automated external defibrillator~~
12 ~~course for the lay rescuer and first responder, in effect as of December 31,~~
13 ~~1998, adopted by the American heart association or an equivalent course that~~
14 ~~meets the same objectives.~~

15 ~~4. Ensure that the automated external defibrillator is maintained in~~
16 ~~good working order and tested according to the manufacturer's guidelines.~~

17 ~~C. For the purposes of this section, "trained responder" means a~~
18 ~~person who meets the requirements of subsection B, paragraph 3 of this~~
19 ~~section.~~

20 Sec. 3. Section 36-2263, Arizona Revised Statutes, is amended to read:

21 36-2263. Civil liability; limited immunity; good Samaritan

22 A. The following persons and entities are not subject to civil
23 liability for any personal injury that results from any act or omission that
24 does not amount to ~~willful~~ WILFUL misconduct or gross negligence:

25 ~~1. A physician who provides supervisory services pursuant to and in~~
26 ~~compliance with section 36-2262, subsection B~~ OVERSIGHT.

27 2. A person or entity that provides training in cardiopulmonary
28 resuscitation and use of an automated external defibrillator.

29 ~~3. A person or entity that acquires an automated external~~
30 ~~defibrillator pursuant to this article if the person or entity complies with~~
31 ~~the requirements of section 36-2262, subsection A.~~

32 4. The owner of the property or facility where the automated external
33 defibrillator is located.

34 ~~5. A trained responder as defined in section 36-2262, subsection C.~~

35 ~~6.~~ 5. A person or entity that provides the automated external
36 defibrillator pursuant to this article.

37 ~~7.~~ 6. A nonprofit entity that, in the placement of an automated
38 external defibrillator pursuant to this article, acts as an intermediary
39 between the provider of an automated external defibrillator and the person or
40 entity that acquired the automated external defibrillator or the owner of the
41 property or facility where the automated external defibrillator is located.

1 ~~8.~~ 7. A good Samaritan. For the purposes of this paragraph, "good
2 Samaritan" means a person who uses an automated external defibrillator to
3 render emergency care or assistance in good faith and without compensation at
4 the scene of any accident, fire or other life-threatening emergency.

5 8. A TRAINED USER.

6 B. The exception from civil liability provided in subsection A ~~of this~~
7 ~~section~~ does not affect a manufacturer's product liability regarding the
8 design, manufacturing or instructions for use and maintenance of an automated
9 external defibrillator.