

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 819**  
**95TH GENERAL ASSEMBLY**

1952L.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 190.092, RSMo, and to enact in lieu thereof one new section relating to public access to defibrillators.

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*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Section A. Section 190.092, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 190.092, to read as follows: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. **This section shall be known and may be cited as the "Public Access to Automated External Defibrillator Act".**

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

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.

18 [2.] 3. Any person or entity who acquires an automated external defibrillator shall notify  
19 the emergency communications district or the ambulance dispatch center of the primary provider  
20 of emergency medical services where the automated external defibrillator is to be located.

21 [3.] 4. Any person who [has had appropriate training, including a course in  
22 cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated  
23 external defibrillator, and who] gratuitously and in good faith renders emergency care [when  
24 medically appropriate] by use of or provision of an automated external defibrillator[, without  
25 objection of the injured victim or victims thereof,] shall not be held liable for any civil damages  
26 as a result of such care or treatment, [where the person acts as an ordinarily reasonable, prudent  
27 person would have acted under the same or similar circumstances] **unless the person acts in a  
28 willful and wanton or reckless manner in providing the care, advice, or assistance.** The  
29 person or entity who provides appropriate training to the person using an automated external  
30 defibrillator, the person or entity responsible for the site where the automated external  
31 defibrillator is located, **the person or entity that owns the automated external defibrillator,  
32 the person or entity that provided clinical protocol for automated external defibrillator  
33 sites or programs,** and the licensed physician who reviews and approves the clinical protocol  
34 shall likewise not be held liable for civil damages resulting from the use of an automated external  
35 defibrillator[, provided that all other requirements of this section have been met]. Nothing in this  
36 section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

37 [4.] 5. The provisions of this section shall apply in all counties within the state and any  
38 city not within a county.

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