

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 291, Page 3, Section 57.280, Line 52, by inserting after said section and line the
3 following:
4

5 "190.092. 1. This section shall be known and may be cited as the "Public Access to
6 Automated External Defibrillator Act".

7 2. A person or entity that acquires an automated external defibrillator shall do all of the
8 following:

9 (1) Comply with all regulations governing the placement of an automated external
10 defibrillator;

11 (2) Notify an agent of the local EMS agency of the existence, location, and type of
12 automated external defibrillator acquired;

13 (3) Ensure that the automated external defibrillator is maintained and tested according to the
14 operation and maintenance guidelines set forth by the manufacturer;

15 (4) Ensure that the automated external defibrillator is tested at least biannually and after each
16 use; and

17 (5) Ensure that an inspection is made of all automated external defibrillators on the premises
18 at least every ninety days for potential issues related to operation of the device, including a blinking
19 light or other obvious defect that may suggest tampering or that another problem has arisen with the
20 functionality of the automated external defibrillator. [A person or entity who acquires an automated
21 external defibrillator shall ensure that:

22 —— (1) Expected defibrillator users receive training by the American Red Cross or American
23 Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators;
24 or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

25 —— (2) The defibrillator is maintained and tested according to the manufacturer's operational
26 guidelines;

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

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

35 —— 3. Any person or entity who acquires an automated external defibrillator shall notify the
36 emergency communications district or the ambulance dispatch center of the primary provider of

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1 emergency medical services where the automated external defibrillator is to be located.

2 ~~4.]~~ 3. Any person who gratuitously and in good faith renders emergency care by use of or
3 provision of an automated external defibrillator shall not be held liable for any civil damages or
4 subject to a criminal penalty as a result of such care or treatment, unless the person acts in a willful
5 and wanton or reckless manner in providing the care, advice, or assistance. The person or entity
6 who provides ~~[appropriate]~~ training to the person using an automated external defibrillator, the
7 person or entity responsible for the site where the automated external defibrillator is located, and the
8 person or entity that owns the automated external defibrillator~~], the person or entity that provided~~
9 ~~clinical protocol for automated external defibrillator sites or programs, and the licensed physician~~
10 ~~who reviews and approves the clinical protocol]~~ shall likewise not be held liable for civil damages
11 or subject to a criminal penalty resulting from the use of an automated external defibrillator.

12 ~~[Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538.]~~

13 ~~[5.]~~ 4. All basic life support ambulances and stretcher vans operated in the state of Missouri
14 shall be equipped with an automated external defibrillator and be staffed by at least one individual
15 trained in the use of an automated external defibrillator.

16 ~~[6.]~~ 5. The provisions of this section shall apply in all counties within the state and any city
17 not within a county."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.