

FIRST REGULAR SESSION

HOUSE BILL NO. 1038

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHAUL (113).

2181H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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Section A. Section 190.092, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 190.092, to read as follows: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

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

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

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

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

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

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

~~[A person or entity who acquires an automated external defibrillator shall ensure that:~~

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

22 ~~—— (2) The defibrillator is maintained and tested according to the manufacturer's operational~~
23 ~~guidelines;~~

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

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

32 ~~—— 3. Any person or entity who acquires an automated external defibrillator shall notify the~~
33 ~~emergency communications district or the ambulance dispatch center of the primary provider of~~
34 ~~emergency medical services where the automated external defibrillator is to be located.~~

35 ~~—— 4.] 3. Any person who gratuitously and in good faith renders emergency care by use of~~
36 ~~or provision of an automated external defibrillator shall not be held liable for any civil damages~~
37 ~~**or subject to a criminal penalty** as a result of such care or treatment, unless the person acts in~~
38 ~~a willful and wanton or reckless manner in providing the care, advice, or assistance. The person~~
39 ~~or entity who provides [appropriate] training to the person using an automated external~~
40 ~~defibrillator, the person or entity responsible for the site where the automated external~~
41 ~~defibrillator is located, **and** the person or entity that owns the automated external defibrillator[;~~
42 ~~the person or entity that provided clinical protocol for automated external defibrillator sites or~~
43 ~~programs, and the licensed physician who reviews and approves the clinical protocol] shall~~
44 ~~likewise not be held liable for civil damages **or subject to a criminal penalty** resulting from the~~
45 ~~use of an automated external defibrillator. [Nothing in this section shall affect any claims brought~~
46 ~~pursuant to chapter 537 or 538.]~~

47 ~~[5-] 4. All basic life support ambulances and stretcher vans operated in the state of~~
48 ~~Missouri shall be equipped with an automated external defibrillator and be staffed by at least one~~
49 ~~individual trained in the use of an automated external defibrillator.~~

50 ~~[6-] 5. The provisions of this section shall apply in all counties within the state and any~~
51 ~~city not within a county.~~

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