

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

**MR. SPEAKER:**

I move that House Bill 1256 be amended to read as follows:

- 1 Page 2, line 3, after "that" insert "**an**".
- 2 Page 2, line 3, after "expected" insert "**user of a**".
- 3 Page 2, line 3, delete "users receive reasonable" and insert
- 4 "**successfully completes an American Heart Association automated**
- 5 **external defibrillation course or an equivalent course and an**
- 6 **American Heart Association cardiopulmonary resuscitation course**
- 7 **or equivalent course, taught by a national or state approved**
- 8 **instructor.**".
- 9 Page 2, delete lines 4 through 5.
- 10 Page 2, line 6, delete "instructor."
- 11 Page 2, line 7, delete "defibrillator use" and insert "**defibrillation**".
- 12 Page 2, between lines 23 and 24, begin a new paragraph and
- 13 insert:
- 14 "SECTION 2. IC 34-4-12-1.5, AS AMENDED BY P.L.219-1996,
- 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 UPON PASSAGE]: Sec. 1.5. (a) As used in this section, "gratuitously
- 17 renders emergency care" means the giving of emergency care,
- 18 **including the use of an automatic external defibrillator**, that was
- 19 volunteered without legal obligation on the part of the person rendering
- 20 the emergency care and for which the person rendering the emergency
- 21 care does not expect remuneration. Emergency care may not be
- 22 considered to be gratuitously rendered emergency care solely because
- 23 of the failure to send a bill for the emergency care.
- 24 (b) This section does not apply to services rendered by a health

1 care provider (as defined in IC 27-12-2-14) to a patient in a health care  
2 facility (as defined in IC 27-8-10-1).

3 (c) **Except as provided in subsection (d)**, a person who comes  
4 upon the scene of an emergency or accident or is summoned to the  
5 scene of an emergency or accident and, in good faith, gratuitously  
6 renders emergency care at the scene of the emergency or accident is  
7 immune from civil liability for any personal injury that results from:

8 (1) any act or omission by the person in rendering the emergency  
9 care; or as a result of

10 (2) any act or failure to act to provide or arrange for further  
11 medical treatment or care for the injured person;

12 except for acts or omissions amounting to gross negligence or willful  
13 or wanton misconduct.

14 (d) **This subsection applies to a person to whom IC 16-31-6.5**  
15 **applies. A person who gratuitously renders emergency care**  
16 **involving the use of an automatic external defibrillator is immune**  
17 **from liability for any act or omission not amounting to gross**  
18 **negligence or willful or wanton misconduct if the person fulfills the**  
19 **requirements set forth in IC 16-31-6.5.**

20 (e) **This subsection applies to an individual, a business, or an**  
21 **organization to which IC 16-31-6.5 applies. An individual, a**  
22 **business, or an organization that allows a person who is an**  
23 **expected user to use an automatic external defibrillator of the**  
24 **individual, business, or organization to in good faith gratuitously**  
25 **render emergency care is immune from civil liability for any**  
26 **damages resulting from any act or omission not amounting to gross**  
27 **negligence or willful or wanton misconduct by the user or for**  
28 **acquiring or providing the automatic external defibrillator to the**  
29 **user for the purpose of rendering the emergency care if the**  
30 **individual, business, or organization and the user fulfill the**  
31 **requirements set forth in IC 16-31-6.5."**

32 Renumber all SECTIONS consecutively.

(Reference is to HB 1256 as printed January 27, 1998.)

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Representative Lytle