

## HOUSE BILL No. 1256

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DIGEST OF HB 1256 (Updated January 29, 1998 1:30 pm - DI 77)

**Citations Affected:** IC 16-31; IC 34-4.

**Synopsis:** Defibrillator training. Requires a person or entity that is not a physician, a hospital, an ambulatory outpatient surgical center, a person providing health care in a hospital or ambulatory outpatient surgical center, or a person or entity licensed or regulated by the emergency medical services commission and who acquires an automatic external defibrillator to: (1) ensure that defibrillator users receive American Heart Association training in external defibrillation and cardiopulmonary resuscitation; (2) ensure that the defibrillator is maintained and tested according to the manufacturer's operational guidelines; and (3) enlist medical direction by a licensed physician in the use of the defibrillator and cardiopulmonary resuscitation. Requires a person or entity in possession of a defibrillator to notify the ambulance service provider that serves the area where the person or entity is located or the emergency medical services commission of the  
(Continued next page)

**Effective:** Upon passage.

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**Lytle, Gulling, Kruzan, Budak**

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January 13, 1998, read first time and referred to Committee on Public Health.  
January 26, 1998, amended, reported — Do Pass.  
January 29, 1998, read second time, amended, ordered engrossed.

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acquisition and location of the defibrillator. Requires a person who uses a defibrillator to contact the ambulance service provider or a fire department that provides ambulance service to the area as soon as practicable following the use of the defibrillator. Provides that a person who in good faith gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from civil liability for any damages resulting from any act or omission not amounting to gross negligence or willful or wanton misconduct. Provides that an individual, business, or organization that allows a person who is an expected user to use the defibrillator of the individual, business, or organization to render emergency medical care is immune from civil liability for any damages resulting from any act or omission not amounting to gross negligence or willful or wanton misconduct by the user, or for acquiring or providing the automatic external defibrillator to the user for the purpose of rendering the care. Provides that a person or an entity required by law to fulfill certain requirements in acquiring or using an automatic external defibrillator must fulfill the requirements in order to be immune from civil liability for use of the defibrillator.

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Reprinted  
January 30, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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## HOUSE BILL No. 1256

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-31-6.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]:

4 **Chapter 6.5. Automatic External Defibrillators**  
5 **Sec. 1. This chapter applies only to persons who are subject to**  
6 **the standards established by the commission under IC 16-31-2-9.**  
7 **Sec. 2. This chapter does not apply to the following:**  
8 (1) A licensed physician.  
9 (2) A hospital or an ambulatory outpatient surgical center.  
10 (3) A person providing health care in a hospital or an  
11 ambulatory outpatient surgical center licensed under  
12 IC 16-21.  
13 (4) A person or entity certified under IC 16-31-3.  
14 **Sec. 3. As used in this chapter, "defibrillator" means an**  
15 **automatic external defibrillator.**

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1           **Sec. 4. A person or entity acquiring a defibrillator shall do the**  
 2 **following:**

3           **(1) Ensure that an expected user of a defibrillator successfully**  
 4 **completes an American Heart Association automated external**  
 5 **defibrillation course or an equivalent course and an American**  
 6 **Heart Association cardiopulmonary resuscitation course or**  
 7 **equivalent course, taught by a national or state approved**  
 8 **instructor. The user of a defibrillator shall possess**  
 9 **demonstrated proficiency in defibrillation and**  
 10 **cardiopulmonary resuscitation.**

11           **(2) Ensure that the defibrillator is maintained and tested**  
 12 **according to the manufacturer's operational guidelines.**

13           **(3) Enlist medical direction by a licensed physician in the use**  
 14 **of the defibrillator and cardiopulmonary resuscitation.**

15           **Sec. 5. A person or entity in possession of a defibrillator shall**  
 16 **notify the:**

17           **(1) ambulance service provider that serves the area where the**  
 18 **person or entity is located; or**

19           **(2) emergency medical services commission;**

20 **of the acquisition and location of the defibrillator.**

21           **Sec. 6. A person who uses a defibrillator is required to contact:**

22           **(1) the ambulance service provider; or**

23           **(2) a fire department that provides ambulance service;**

24 **for the area as soon as practicable following the use of the**  
 25 **defibrillator.**

26           SECTION 2. IC 34-4-12-1.5, AS AMENDED BY P.L.219-1996,  
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 1.5. (a) As used in this section, "gratuitously  
 29 renders emergency care" means the giving of emergency care,  
 30 **including the use of an automatic external defibrillator**, that was  
 31 volunteered without legal obligation on the part of the person rendering  
 32 the emergency care and for which the person rendering the emergency  
 33 care does not expect remuneration. Emergency care may not be  
 34 considered to be gratuitously rendered emergency care solely because  
 35 of the failure to send a bill for the emergency care.

36           (b) This section does not apply to services rendered by a health care  
 37 provider (as defined in IC 27-12-2-14) to a patient in a health care  
 38 facility (as defined in IC 27-8-10-1).

39           (c) **Except as provided in subsection (d)**, a person who comes  
 40 upon the scene of an emergency or accident or is summoned to the  
 41 scene of an emergency or accident and, in good faith, gratuitously  
 42 renders emergency care at the scene of the emergency or accident is



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1 immune from civil liability for any personal injury that results from:

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

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

6 except for acts or omissions amounting to gross negligence or willful  
7 or wanton misconduct.

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

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

26 SECTION 3. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1256, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 24 through 42.

Page 3, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1256 as introduced.)

C. BROWN, Chair

Committee Vote: yeas 13, nays 0.

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## HOUSE MOTION

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

Page 2, line 3, after "that" insert "**an**".

Page 2, line 3, after "expected" insert "**user of a**".

Page 2, line 3, delete "users receive reasonable" and insert "**successfully completes an American Heart Association automated external defibrillation course or an equivalent course and an American Heart Association cardiopulmonary resuscitation course or equivalent course, taught by a national or state approved instructor.**".

Page 2, delete lines 4 through 5.

Page 2, line 6, delete "instructor."

Page 2, line 7, delete "defibrillator use" and insert "**defibrillation**".

Page 2, between lines 23 and 24, begin a new paragraph and insert: "SECTION 2. IC 34-4-12-1.5, AS AMENDED BY P.L.219-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) As used in this section, "gratuitously renders emergency care" means the giving of emergency care, **including the use of an automatic external defibrillator**, that was volunteered without legal obligation on the part of the person rendering the emergency care and for which the person rendering the emergency care does not expect remuneration. Emergency care may not be considered to be gratuitously rendered emergency care solely because of the failure to send a bill for the emergency care.

(b) This section does not apply to services rendered by a health care provider (as defined in IC 27-12-2-14) to a patient in a health care facility (as defined in IC 27-8-10-1).

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

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

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

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

**(d) This subsection applies to a person to whom IC 16-31-6.5 applies. A person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune**

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from liability for any act or omission not amounting to gross negligence or willful or wanton misconduct if the person fulfills the requirements set forth in IC 16-31-6.5.

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

Renumber all SECTIONS consecutively.

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

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