CONNECTICUT TRIAL LAWYERS ASSOCIATION

CTLA . 100 Wells Street, Suite 2H. Hartford, CT 06103
Phone: (860) 522-4345 . Fax: (860) 522-1027
www.ct-tla.org

Raised Bill 5503
Public Hearing: 2-26-07

TO: MEMBERS OF THE GENERAL LAW COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: FEBRUARY 26, 2008

RE: OPPOSITION TO RAISED BILL 5503 – AN ACT CONCERNING AUTOMATIC EXTERNAL DEFIBRILLATORS

The CTLA **opposes raised bill 5503**, and respectfully contends that the bill should be defeated.

This proposal attempts to expand the good samaritan immunity in C.G.S. 52-557b(a) for the use of automatic external defibrillators.

- The proposal would expand the immunity in this section to "entities".

The good samaritan law was passed to give individuals who voluntarily and gratuitously render emergency medical attention immunity from liability for ordinary negligence. This proposal would inexplicably extend that immunity to any corporation, limited liability company, partnership or other entity that happened to have an automatic external defibrillator on its premises. Section one of this proposal requires health clubs to provide automatic external defibrillators and trained personnel on their premises to use them in emergency situations. It does not follow that these clubs, corporate entities created to make a profit, be given immunity under the good samaritan statute for something they are bound by law to provide to their customers.

- Authorized citizens acting as good samaritans are already covered under the law.

Currently C.G.S. 52-557b(a) affords immunity to any person trained to use an automatic external defibrillator who does so voluntarily and gratuitously in order to save a life. Under this proposal, any health club that purchased an automatic external defibrillator would be shielded as a good samaritan, even though they could not be doing so voluntarily or gratuitously because they are bound by law to provide the machine by section one of this very proposal!

- Immunity should be reserved for trained individuals, not afforded to profit-making corporations.

The CTLA respectfully contends that immunity for liability should be reserved for those well trained and certified to perform the tasks required in emergency situations. This fundamental idea is evidenced by the need for certification presently included in C.G.S. 28-13 and in C.G.S. 52-557b. In both instances immunity is afforded to trained individuals who can reasonably be expected to successfully perform the emergency task, not to corporations or other entities.

WE RESPECTFULLY URGE YOU TO DEFEAT RAISED BILL 5503. Thank you.