



Senate

General Assembly

File No. 469

February Session, 2018

Substitute Senate Bill No. 401

Senate, April 12, 2018

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist. and SEN. SOMERS of the 18th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE USE OF AUTOMATIC EXTERNAL
DEFIBRILLATORS AND CARDIOPULMONARY RESUSCITATION
CERTIFICATION OF LIFEGUARDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 52-557b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (a) (1) A person licensed to practice medicine and surgery under the
5 provisions of chapter 370 or dentistry under the provisions of section
6 20-106 or members of the same professions licensed to practice in any
7 other state of the United States, a person licensed as a registered nurse
8 under section 20-93 or 20-94 or certified as a licensed practical nurse
9 under section 20-96 or 20-97, a medical technician or any person
10 operating a cardiopulmonary resuscitator or a person trained in
11 cardiopulmonary resuscitation in accordance with the guidelines set
12 forth by the American Red Cross or American Heart Association, or a

13 person operating an automatic external defibrillator, who, voluntarily
14 and gratuitously and other than in the ordinary course of such person's
15 employment or practice, renders emergency medical or professional
16 assistance to a person in need thereof, shall not be liable to such person
17 assisted for civil damages for any personal injuries which result from
18 acts or omissions by such person in rendering the emergency care,
19 which may constitute ordinary negligence. A person or entity that
20 provides or maintains an automatic external defibrillator shall not be
21 liable for the acts or omissions of the person or entity in providing or
22 maintaining the automatic external defibrillator, which may constitute
23 ordinary negligence. The immunity provided in this subsection does
24 not apply to acts or omissions constituting gross, wilful or wanton
25 negligence. With respect to the use of an automatic external
26 defibrillator, the immunity provided in this subsection shall only apply
27 to acts or omissions involving the use of an automatic external
28 defibrillator in the rendering of emergency care. Nothing in this
29 subsection shall be construed to exempt paid or volunteer firefighters,
30 police officers or emergency medical services personnel from
31 completing training in cardiopulmonary resuscitation or in the use of
32 an automatic external defibrillator in accordance with the guidelines
33 set forth by the American Red Cross or American Heart Association.
34 For the purposes of this subsection, "automatic external defibrillator"
35 means a device that: [(1)] (A) Is used to administer an electric shock
36 through the chest wall to the heart; [(2)] (B) contains internal decision-
37 making electronics, microcomputers or special software that allows it
38 to interpret physiologic signals, make medical diagnosis and, if
39 necessary, apply therapy; [(3)] (C) guides the user through the process
40 of using the device by audible or visual prompts; and [(4)] (D) does not
41 require the user to employ any discretion or judgment in its use.

42 (2) Notwithstanding the provisions of subdivision (1) of this
43 subsection, any health care provider licensed or certified by the
44 Department of Public Health who operates an automatic external
45 defibrillator in the ordinary course of such provider's employment or
46 practice to render emergency medical or professional assistance to a
47 person in need thereof shall not be liable to such person assisted for

48 civil damages for any personal injuries which result from the
49 malfunctioning of the automatic external defibrillator, which
50 malfunctioning may constitute ordinary negligence.

51 Sec. 2. Section 19a-113a of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective July 1, 2018*):

53 The Commissioner of Public Health shall adopt regulations, in
54 accordance with chapter 54, requiring that persons who are employed
55 as lifeguards shall be certified in cardiopulmonary resuscitation by the
56 American Heart Association, the American Red Cross, [or] the
57 American Safety and Health Institute or Jeff Ellis & Associates, Inc.

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|---|------------------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2018</i> | 52-557b(a) |
| Sec. 2 | <i>July 1, 2018</i> | 19a-113a |

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes health care providers who operate automatic external defibrillators (AED) not civilly liable for personal injuries resulting from the AED's malfunctioning, does not result in a fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 401*****AN ACT CONCERNING THE USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS AND CARDIOPULMONARY RESUSCITATION CERTIFICATION OF LIFEGUARDS.*****SUMMARY**

Under this bill, a health care provider who operates an automatic external defibrillator (AED) in the ordinary course of his or her employment or practice to render emergency assistance is not civilly liable for any personal injuries that result from the AED's malfunctioning. The bill applies (1) to any health care provider licensed or certified by the Department of Public Health (DPH) and (2) only if the AED's malfunctioning constitutes ordinary negligence.

Under certain conditions, existing law provides immunity from civil liability to (1) anyone who operates an AED not in the course of their employment and (2) a person or entity who provides or maintains such a device (see BACKGROUND).

The bill also requires the DPH commissioner to adopt regulations adding Jeff Ellis & Associates, Inc. to the list of organizations from which a lifeguard may receive certification in cardiopulmonary resuscitation (CPR). Currently, a lifeguard must be CPR-certified by the American Heart Association, American Red Cross, or American Safety and Health Institute.

EFFECTIVE DATE: October 1, 2018 for the immunity provision and July 1, 2018 for the CPR certification provision.

BACKGROUND***Existing Law on Immunity and AEDs***

Under existing law, any person who operates an AED to give

emergency assistance voluntarily, gratuitously, and not in the ordinary course of his or her employment or practice is not civilly liable for any personal injuries that result from his or her acts or omissions that constitute ordinary negligence. The law also provides immunity for negligent acts or omissions by a person or entity in providing or maintaining an AED.

The law specifies that such immunity does not apply to gross, willful, or wanton negligence.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/26/2018)