

**Proposed Substitute  
Bill No. 401**

LCO No. 3198

**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2 repealed and the following is substituted in lieu thereof (*Effective*  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   |