



House of Representatives

General Assembly

File No. 781

January Session, 2019

House Bill No. 7190

House of Representatives, April 25, 2019

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT EXTENDING GOOD SAMARITAN PROTECTIONS FOR PERSONS OR ENTITIES THAT INCLUDE AN OPIOID ANTAGONIST WITHIN A CABINET CONTAINING AN AUTOMATIC EXTERNAL DEFIBRILLATOR.

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 2019*):

4 (a) 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] such person or entity in
22 providing or maintaining the automatic external defibrillator, which
23 may constitute ordinary negligence. A person or entity that provides
24 or maintains an automatic external defibrillator in a cabinet, which also
25 contains an opioid antagonist used to treat or prevent a drug overdose,
26 shall not be liable for the acts or omissions of such person or entity in
27 making available the opioid antagonist, which may constitute ordinary
28 negligence. The immunity provided in this subsection does not apply
29 to acts or omissions constituting gross, wilful or wanton negligence.
30 With respect to the use of an automatic external defibrillator, the
31 immunity provided in this subsection shall only apply to acts or
32 omissions involving the use of an automatic external defibrillator in
33 the rendering of emergency care. Nothing in this subsection shall be
34 construed to exempt paid or volunteer firefighters, police officers or
35 emergency medical services personnel from completing training in
36 cardiopulmonary resuscitation or in the use of an automatic external
37 defibrillator in accordance with the guidelines set forth by the
38 American Red Cross or American Heart Association. For the purposes
39 of this subsection, "automatic external defibrillator" means a device
40 that: (1) Is used to administer an electric shock through the chest wall
41 to the heart; (2) contains internal decision-making electronics,
42 microcomputers or special software that allows it to interpret
43 physiologic signals, make medical diagnosis and, if necessary, apply
44 therapy; (3) guides the user through the process of using the device by
45 audible or visual prompts; and (4) does not require the user to employ
46 any discretion or judgment in its use.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	52-557b(a)

JUD *Joint Favorable*

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 provides, under certain conditions, civil immunity to individuals/entities that provide or maintain an automatic external defibrillator, is not anticipated to result in a fiscal impact to the State or municipalities.

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

OLR Bill Analysis**HB 7190*****AN ACT EXTENDING GOOD SAMARITAN PROTECTIONS FOR PERSONS OR ENTITIES THAT INCLUDE AN OPIOID ANTAGONIST WITHIN A CABINET CONTAINING AN AUTOMATIC EXTERNAL DEFIBRILLATOR.*****SUMMARY**

Under certain conditions, this bill grants civil immunity to individuals or entities that provide or maintain an automatic external defibrillator (AED) in a cabinet which also contains an opioid antagonist (e.g., Narcan) used for drug overdoses. Under the bill, they are not liable for ordinary negligence for their acts or omissions in making the opioid antagonist available. The immunity does not apply to gross, willful, or wanton negligence.

Existing law provides civil and criminal immunity related to administering opioid antagonists, including allowing people who are not health professionals to administer them (see BACKGROUND). It also provides civil immunity, under certain conditions, to (1) people or entities who provide or maintain an AED or (2) anyone who operates an AED not in the course of their employment (CGS § 52-557b).

EFFECTIVE DATE: October 1, 2019

BACKGROUND***Existing Immunity Related to Opioid Antagonists***

Existing law provides civil and criminal immunity to people who are not health professionals who, if acting with reasonable care, administer an opioid antagonist to a person they believe in good faith is experiencing an opioid-related overdose.

The law also provides civil and criminal immunity to:

1. licensed health care professionals who administer an opioid antagonist to treat an opioid-related overdose; and
2. licensed health care professionals who prescribe or dispense it to treat a drug overdose, if authorized by law to prescribe it (CGS § 17a-714a).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 35 Nay 0 (04/12/2019)