

Senate, April 7, 1998. The Committee on Judiciary reported through SEN. WILLIAMS, 29th DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING GOOD SAMARITAN IMMUNITY FOR AUTOMATIC EXTERNAL DEFIBRILLATOR USE BY A PERSON WITH PROPER TRAINING.

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

1 Subsection (a) of section 52-557b of the
2 general statutes is repealed and the following is
3 substituted in lieu thereof:

4 (a) A person licensed to practice medicine
5 and surgery under the provisions of chapter 370 or
6 dentistry under the provisions of section 20-106
7 or members of the same professions licensed to
8 practice in any other state of the United States,
9 a person licensed as a registered nurse under
10 section 20-93 or 20-94 or certified as a licensed
11 practical nurse under section 20-96 or 20-97, AS
12 AMENDED, a medical technician or any person
13 operating a cardiopulmonary resuscitator or a
14 person trained in cardiopulmonary resuscitation OR
15 IN THE USE OF AN AUTOMATIC EXTERNAL DEFIBRILLATOR
16 in accordance with the standards set forth by the
17 American Red Cross or American Heart Association,
18 who, voluntarily and gratuitously and other than
19 in the ordinary course of his employment or
20 practice, renders emergency medical or
21 professional assistance to a person in need

22 thereof, shall not be liable to such person
23 assisted for civil damages for any personal
24 injuries which result from acts or omissions by
25 such person in rendering the emergency care, which
26 may constitute ordinary negligence. The immunity
27 provided in this subsection does not apply to acts
28 or omissions constituting gross, wilful or wanton
29 negligence. FOR THE PURPOSES OF THIS SUBSECTION,
30 "AUTOMATIC EXTERNAL DEFIBRILLATOR" MEANS A DEVICE
31 THAT: (1) IS USED TO ADMINISTER AN ELECTRIC SHOCK
32 THROUGH THE CHEST WALL TO THE HEART; (2) CONTAINS
33 INTERNAL DECISION-MAKING ELECTRONICS,
34 MICROCOMPUTERS OR SPECIAL SOFTWARE THAT ALLOWS IT
35 TO INTERPRET PHYSIOLOGIC SIGNALS, MAKE MEDICAL
36 DIAGNOSIS AND, IF NECESSARY, APPLY THERAPY; (3)
37 GUIDES THE USER THROUGH THE PROCESS OF USING THE
38 DEVICE BY AUDIBLE OR VISUAL PROMPTS; AND (4) DOES
39 NOT REQUIRE THE USER TO EMPLOY ANY DISCRETION OR
40 JUDGMENT IN ITS USE.

41 PH COMMITTEE VOTE: YEA 22 NAY 0 JFS C/R JUD
42 JUD COMMITTEE VOTE: YEA 39 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sSB 318

STATE IMPACT	None
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Judicial Department

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OLR BILL ANALYSIS

sSB 318

AN ACT CONCERNING GOOD SAMARITAN IMMUNITY FOR AUTOMATIC EXTERNAL DEFIBRILLATOR USE BY A PERSON WITH PROPER TRAINING

SUMMARY: This bill exempts people trained to use automatic external defibrillators from civil liability for ordinary negligence for any emergency medical assistance given free and outside their ordinary course of employment (known as Good Samaritan immunity). They must be trained in accordance with the American Red Cross or the American Heart Association standards.

It defines automatic external defibrillators as devices that (1) to deliver a charge through the chest wall to the heart; (2) contain internal decision-making components to interpret physiological signs, make medical diagnoses, and if necessary deliver a charge; and (3) guide the user through the process by audible or visual prompts without requiring any discretion or judgement.

EFFECTIVE DATE: October 1, 1998

BACKGROUND**Good Samaritan Immunity**

By law, the following people offering emergency medical and professional assistance voluntarily, without compensation, and outside their normal course of employment or practice are immune from civil liability for acts or omissions that constitute ordinary negligence:

1. licensed physicians or dentists,
2. registered nurses or licensed practical nurses,
3. medical technicians,
4. people operating cardiopulmonary resuscitators, and
5. people trained in cardiopulmonary resuscitation in accordance with the American Red Cross or the American Heart Association Standards.

They are not exempt from liability for acts or omissions of gross, willful, or wanton negligence.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute Change of Reference
Yea 22 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0