

AN ACT

ENTITLED, An Act to provide limited liability for the use of automated external defibrillators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. For the purposes of this Act, AED means an automated external defibrillator.

Section 2. Any person who acquires an AED shall ensure that:

- (1) Expected AED users receive American Heart Association training in cardiopulmonary and AED use, or an equivalent nationally recognized course in cardiopulmonary and AED use;
- (2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;
- (3) There is involvement of a licensed physician in the site's program to ensure compliance with requirements for training, notification, and maintenance; and
- (4) Any person who renders emergency care or treatment on a person in cardiac arrest by using an AED activates the emergency medical services system as soon as possible and reports any clinical use of the AED to the licensed physician or medical authority.

Section 3. Any person who acquires an AED shall notify an agent of the emergency communications or vehicle dispatch center of the existence, location, and type of AED.

Section 4. Any person, who in good faith and without compensation, renders emergency care or treatment by the use of an AED is immune from civil liability for any personal injury as a result of such care or treatment, or as a result of an act or failure to act in providing or arranging further medical treatment. The immunity from civil liability for any personal injury under this section includes the licensed physician who is involved with AED site placement, the person who provides the cardiopulmonary and AED site placement, the person who provides the cardiopulmonary and AED training, and the person responsible for the site where the AED is located. This immunity applies only if the requirements of section 2 of this Act are fulfilled.

The immunity from civil liability under this Act does not apply if the personal injury results from

the gross negligence or willful or wanton misconduct of the person rendering such emergency care.

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I certify that the attached Act
originated in the

SENATE as Bill No. 138

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 138

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

19____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 19____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State