

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

941C0926

## SENATE BILL NO. 251

Introduced by: Senators Hainje, Albers, Dennert, Drake, Everist, Frederick, Ham, Kleven, Lawler, and Rounds and Representatives Fiegen, Brown (Richard), Cerny, Davis, Duenwald, Duniphan, Hanson, Hennies, Jaspers, Lucas, Michels, Munson (Donald), Peterson, Pummel, Putnam, and Richter

1 FOR AN ACT ENTITLED, An Act to provide immunity from civil and criminal liability for the  
2 placement and use of automated external defibrillators.

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

4 Section 1. Terms used in this Act mean:

- 5 (1) "AED," an automated external defibrillator;
- 6 (2) "Person," a natural person, organization, corporation, partnership, limited partnership,  
7 joint venture, association, or any other legal or commercial entity;
- 8 (3) "Physician," a physician licensed pursuant to chapter 36-4.

9 Section 2. Any person, who in good faith obtains an AED for use in providing emergency  
10 care or treatment, is immune from civil and criminal liability for any injury as a result of such  
11 emergency care or treatment or as a result of an act or failure to act in providing or arranging  
12 further medical treatment. This immunity applies only if the following requirements are fulfilled:

- 13 (1) The person tests and maintains the AED, or arranges to have such testing and  
14 maintenance performed on the AED pursuant to the AED manufacturer's  
15 specifications;

1       (2)    The person involves a physician to authorize in writing AED placement and  
2            compliance with the requirements for AED training, notification of placement and use,  
3            and maintenance;

4       (3)    An emergency medical services system is activated when an AED has been used to  
5            render emergency care or treatment; and

6       (4)    The person has reported any emergency use of the AED to the physician.

7       Section 3. Any physician who provides those services stated in subdivision (2) of section 2  
8       of this Act is immune from civil and criminal liability for any personal injury that occurs as a  
9       result of emergency care or treatment rendered using the AED or as a result of an act or failure  
10      to act in providing or arranging further medical treatment.

11      Section 4. Any individual who provides AED training is immune from civil and criminal  
12      liability for any personal injury that occurs as a result of emergency care or treatment rendered  
13      using the AED or as a result of an act or failure to act in providing or arranging further medical  
14      treatment.

15      Section 5. Any person who acquires an AED shall notify an agent of the emergency  
16      communications or vehicle dispatch center of the existence, location, and type of AED.

17      Section 6. The immunity from civil liability under this Act does not apply if the personal  
18      injury results from the gross negligence or willful or wanton misconduct of the person rendering  
19      such emergency care.