

AN ACT

ENTITLED, An Act to provide immunity from civil liability for the placement and use of automated external defibrillators.

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

Section 1. Terms used in this Act mean:

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

Section 2. Any person, who in good faith obtains an AED for use in providing emergency care or treatment, is immune from civil liability for any injury as a result of such emergency care or treatment or as a result of an act or failure to act in providing or arranging such medical treatment.

This immunity applies only if the following requirements are fulfilled:

- (1) The person tests and maintains the AED, or arranges to have such testing and maintenance performed on the AED pursuant to the AED manufacturer's specifications;
- (2) The person involves a physician to authorize in writing AED placement and compliance with the requirements for AED training, notification of placement and use, and maintenance;
- (3) An emergency medical services system is activated when an AED has been used to render emergency care or treatment; and
- (4) The person has reported any emergency use of the AED to the physician.

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

Section 4. Any person who provides AED training is immune from civil liability for any personal injury that occurs as a result of emergency care or treatment rendered using the AED or as a result of an act or failure to act in providing or arranging such medical treatment.

Section 5. 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 6. 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. 83

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. 83
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State