

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

391D0180

SENATE BILL NO. 83

Introduced by: Senators Hainje, Albers, Brown (Arnold), Daugaard, Dennert, Drake, Dunn (Rebecca), Duxbury, Everist, Frederick, Kleven, and Symens and Representatives Fiegen, Cutler, Davis, Duniphan, Fischer-Clemens, Hennies, Koetzle, Lintz, Michels, Patterson, Roe, Waltman, and Young

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

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

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