

Sudden Cardiac Arrest, CPR and AEDs

This Act directs the state bureau of emergency medical services to work with federal, state, and local agencies to encourage people to complete courses about Cardiopulmonary Resuscitation (CPR) and using Automatic External Defibrillators (AEDs). It permits a person to administer CPR or use an AED without a license or certificate or training to do so on someone reasonably believed to be in sudden cardiac arrest. The bill provides immunity from civil liability for certain acts or omissions relating to administering CPR or using an AED unless the actions constitute gross negligence or willful misconduct. However, the Act does not relieve a manufacturer, designer, developer, marketer, or commercial distributor from liability relating to an AED or an AED accessory.

This legislation also requires a person who owns or leases an AED to report certain information, including the location of, or removal of, the AED, to the emergency medical dispatch center that provides emergency dispatch services for that area.

Submitted as:

Utah

[HB 31](#)

Status: Enacted into law in 2009.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as the “Sudden Cardiac Arrest Survival
2 Act.”

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (1) “Automatic external defibrillator” or “AED” means an automated or automatic
6 computerized medical device that:

7 (a) has received pre-market notification approval from the United States Food and
8 Drug Administration, pursuant to Section 360(k), Title 21 of the United States Code;

9 (b) is capable of recognizing the presence or absence of ventricular fibrillation or
10 rapid ventricular tachycardia;

11 (c) is capable of determining, without intervention by an operator, whether
12 defibrillation should be performed; and

13 (d) upon determining that defibrillation should be performed, automatically
14 charges, enabling delivery of an electrical impulse through the chest wall and to a person's heart.

15 (2) “Bureau” means the [bureau of emergency medical services], within the [department].

16 (3) “Cardiopulmonary resuscitation” or “CPR” means artificial ventilation or external
17 chest compression applied to a person who is in respiratory or cardiac arrest.

18 (4) “Emergency medical dispatch center” means a public safety answering point, as
19 defined in [insert citation], that is designated as an emergency medical dispatch center by the
20 [bureau].

21 (5) “Sudden cardiac arrest” means a life-threatening condition that results when a
22 person's heart stops or fails to produce a pulse.

23
24 Section 3. [*Education and Training.*]

25 (A) The [bureau] shall work in cooperation with federal, state, and local agencies and
26 schools, to encourage individuals to complete courses on the administration of CPR and the use
27 of an AED.

28 (B) A person who owns or leases an AED shall encourage each person who is likely to
29 use the AED to complete courses on the administration of CPR and the use of an AED.

30
31 Section 4. [*Authority to Administer CPR or Use an AED.*]

32 (A) A person may administer CPR on another person without a license, certificate, or
33 other governmental authorization if the person reasonably believes that the other person is in
34 sudden cardiac arrest.

35 (B) A person may use an AED on another person without a license, certificate, or other
36 governmental authorization if the person reasonably believes that the other person is in sudden
37 cardiac arrest.

38
39 Section 5. [*Immunity.*]

40 (A) Except as provided in Subsection (C), the following people are not subject to civil
41 liability for any act or omission relating to preparing to care for, responding to care for, or
42 providing care to, another person who reasonably appears to be in sudden cardiac arrest:

43 (1) a person authorized under Section 4 (A) to administer CPR, who:

44 (a) gratuitously and in good faith attempts to administer or administers
45 CPR to another person; or

46 (b) fails to administer CPR to another person;

47 (2) a person authorized under Section 4 (B) to use an AED who:

48 (a) gratuitously and in good faith attempts to use or uses an AED; or

49 (b) fails to use an AED;

50 (3) a person that teaches or provides a training course in administering CPR or
51 using an AED;

52 (4) a person that acquires an AED;

53 (5) a person that owns, manages, or is otherwise responsible for the premises or
54 conveyance where an AED is located;

55 (6) a person who retrieves an AED in response to a perceived or potential sudden
56 cardiac arrest;

57 (7) a person that authorizes, directs, or supervises the installation or provision of
58 an AED;

59 (8) a person involved with, or responsible for, the design, management, or
60 operation of a CPR or AED program;

61 (9) a person involved with, or responsible for, reporting, receiving, recording,
62 updating, giving, or distributing information relating to the ownership or location of an AED
63 under Section 6 of this Act; or

64 (10) a physician who gratuitously and in good faith:

65 (a) provides medical oversight for a public AED program; or

66 (b) issues a prescription for a person to acquire or use an AED.

67 (B) This section does not relieve a manufacturer, designer, developer, marketer, or
68 commercial distributor of an AED, or an accessory for an AED, of any liability.

69 (C) The liability protection described in Subsection (A) does not apply to an act or
70 omission that constitutes gross negligence or willful misconduct.

71
72 Section 6. [*Reporting Location of Automatic External Defibrillators.*]

73 (A) Beginning [insert date], in accordance with Subsection (B) and except as provided in

74 Subsection (C):
75 (1) a person who owns or leases an AED shall report the person's name, address,
76 and telephone number, and the exact location of the AED, in writing, to the emergency medical
77 dispatch center that provides emergency dispatch services for the location where the AED is
78 installed, if the person:
79 (a) installs the AED;
80 (b) causes the AED to be installed; or
81 (c) allows the AED to be installed; and
82 (2) a person who owns or leases an AED that is removed from a location where it
83 is installed shall report the person's name, address, and telephone number, and the exact location
84 from which the AED is removed, in writing, to the emergency medical dispatch center that
85 provides emergency dispatch services for the location from which the AED is removed, if the
86 person:
87 (a) removes the AED;
88 (b) causes the AED to be removed; or
89 (c) allows the AED to be removed.
90 (B) A report required under Subsection (A) shall be made within [30] days after the day
91 on which the AED is installed or removed.
92 (C) Subsection (A) does not apply to an AED that is installed in, or removed from, a
93 private residence.
94 (D) Beginning [insert date], a person who owns or leases an AED that is installed in, or
95 removed from, a private residence may voluntarily report the location of, or removal of, the AED
96 to the emergency medical dispatch center that provides emergency dispatch services for the
97 location where the private residence is located.
98 (E) The [department] may not impose a penalty on a person for failing to comply with the
99 requirements of this section.
100
101 Section 7. [*Distributors to Notify of Reporting Requirements.*] A person in the business of
102 selling or leasing an AED shall, at the time the person provides, sells, or leases an AED to
103 another person, notify the other person, in writing, of the reporting requirements described in
104 Section 6 of this Act.
105
106 Section 8. [*Duties of Emergency Medical Dispatch Centers.*]
107 (A) Beginning [insert date], an emergency medical dispatch center shall:
108 (1) implement a system to receive and manage the information reported to the
109 emergency medical dispatch center under Section 6 of this Act;
110 (2) record in the system described in Subsection (1), all information received
111 under Section 6 of this Act;
112 (3) inform a person who calls to report a potential incident of sudden cardiac
113 arrest of the location of any nearby AED; and
114 (4) provide the information contained in the system described in Subsection (1),
115 upon request, to the [bureau] or another emergency medical dispatch center.
116
117 Section 9. [*Severability.*] [Insert severability clause.]
118
119 Section 10. [*Repealer.*] [Insert repealer clause.]
120
121 Section 11. [*Effective Date.*] [Insert effective date.]