

NEW LANGUAGE APPEARS LIKE THIS

Stricken language appears like this

Remaining language appears like this

Chapter 217 - 441R - S Ver of HB2475

Reference Title: defibrillators; proper use; immunity

AN ACT

AMENDING TITLE 36, CHAPTER 21.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3;
RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, chapter 21.1, Arizona Revised Statutes, is amended by
adding article 3, to read:

article 3. Automated external defibrillators

36-2261 . Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AUTOMATED EXTERNAL DEFIBRILLATOR" MEANS A MEDICAL DEVICE HEART MONITOR AND
DEFIBRILLATOR THAT:

(a) IS APPROVED FOR PREMARKET MODIFICATION BY THE UNITED STATES FOOD AND DRUG
ADMINISTRATION PURSUANT TO 21 UNITED STATES CODE SECTION 360(k).

(b) IS CAPABLE OF RECOGNIZING THE PRESENCE OR ABSENCE OF VENTRICULAR
FIBRILLATION OR RAPID VENTRICULAR TACHYCARDIA AND IS CAPABLE OF DETERMINING,
WITHOUT INTERVENTION BY AN OPERATOR, IF DEFIBRILLATION SHOULD BE PERFORMED.

(c) AUTOMATICALLY CHARGES AND DELIVERS AN ELECTRICAL IMPULSE TO A PERSON'S HEART
WHEN IT DETERMINES THAT DEFIBRILLATION SHOULD BE PERFORMED.

2. "DEFIBRILLATION" MEANS THE ADMINISTRATION OF A CONTROLLED ELECTRICAL CHARGE
TO THE HEART TO RESTORE A VIABLE CARDIAC RHYTHM.

3. "PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER
13 OR 17, AND WHO PROVIDES MEDICAL OVERSIGHT SERVICES PURSUANT TO SECTION
36-2262.

36-2262 . Automated external defibrillators; training; use; requirements;
definition

A. EXCEPT AS PROVIDED IN SECTION 36-2264, A PERSON OR ENTITY THAT ACQUIRES AN
AUTOMATED EXTERNAL DEFIBRILLATOR SHALL:

1. ENTER INTO AN AGREEMENT WITH A PHYSICIAN WHO SHALL OVERSEE ALL ASPECTS OF
PUBLIC ACCESS TO DEFIBRILLATION, INCLUDING TRAINING, EMERGENCY MEDICAL SERVICES
COORDINATION, PROTOCOL APPROVAL, STANDING ORDERS, COMMUNICATIONS, PROTOCOLS AND
AUTOMATED EXTERNAL DEFIBRILLATOR DEPLOYMENT STRATEGIES.

2. LIMIT THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR TO TRAINED RESPONDERS.

3. REQUIRE EACH TRAINED RESPONDER WHO USES AN AUTOMATED EXTERNAL DEFIBRILLATOR
ON A PERSON IN CARDIAC ARREST TO:

(a) CALL TELEPHONE NUMBER 911 AS SOON AS POSSIBLE.

(b) SUBMIT A WRITTEN REPORT TO THE PHYSICIAN, WITHIN FIVE WORKING DAYS AFTER
ITS USE.

B. THE PHYSICIAN SHALL:

1. ESTABLISH QUALITY ASSURANCE GUIDELINES THAT INCLUDE A REVIEW OF EACH USE OF
THE AUTOMATED EXTERNAL DEFIBRILLATOR TO EVALUATE PERFORMANCE.

2. BE PROFICIENT IN EMERGENCY MEDICAL SERVICES PROTOCOLS, CARDIOPULMONARY
RESUSCITATION AND THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

3. ENSURE THAT EACH TRAINED RESPONDER RECEIVES TRAINING IN CARDIOPULMONARY
RESUSCITATION AND IN THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR BY
COMPLETING THE HEART SAVER AUTOMATED EXTERNAL DEFIBRILLATOR COURSE FOR THE LAY
RESCUER AND FIRST RESPONDER, IN EFFECT AS OF DECEMBER 31, 1998, ADOPTED BY THE
AMERICAN HEART ASSOCIATION OR AN EQUIVALENT COURSE THAT MEETS THE SAME
OBJECTIVES.

4. ENSURE THAT THE AUTOMATED EXTERNAL DEFIBRILLATOR IS MAINTAINED AND TESTED
ACCORDING TO THE MANUFACTURER'S GUIDELINES.

C. FOR THE PURPOSES OF THIS SECTION, "TRAINED RESPONDER" MEANS A PERSON WHO MEETS THE REQUIREMENTS OF SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

36-2263 . Civil liability; limited immunity; good samaritan

THE FOLLOWING PERSONS AND ENTITIES ARE NOT SUBJECT TO CIVIL LIABILITY FOR ANY PERSONAL INJURY THAT RESULTS FROM ANY ACT OR OMISSION THAT DOES NOT AMOUNT TO WILFUL MISCONDUCT OR GROSS NEGLIGENCE IF THAT PERSON OR ENTITY COMPLIES WITH THE REQUIREMENTS OF SECTION 36-2262:

1. A PHYSICIAN WHO PROVIDES SUPERVISORY SERVICES PURSUANT TO SECTION 36-2262, SUBSECTION B.
2. A PERSON OR ENTITY THAT PROVIDES TRAINING IN CARDIOPULMONARY RESUSCITATION AND USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR.
3. A PERSON OR ENTITY THAT ACQUIRES AN AUTOMATED EXTERNAL DEFIBRILLATOR PURSUANT TO THIS ARTICLE.
4. THE OWNER OF THE PROPERTY OR FACILITY WHERE THE AUTOMATED EXTERNAL DEFIBRILLATOR IS LOCATED.
5. A TRAINED RESPONDER AS DEFINED IN SECTION 36-2262, SUBSECTION C.

36-2264 . Exemption from regulation

A. A PERSON WHO OBTAINS AN AUTOMATED EXTERNAL DEFIBRILLATOR FOR HOME USE PURSUANT TO A PHYSICIAN'S PRESCRIPTION IS EXEMPT FROM THE REQUIREMENTS OF THIS ARTICLE.

B. A PERSON WHO IS EMPLOYED AS A FIRE FIGHTER, EMERGENCY MEDICAL TECHNICIAN OR PARAMEDIC BY A FIRE DISTRICT ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 5, IS EXEMPT FROM THE REQUIREMENTS OF THIS ARTICLE.

C. A PERSON WHO IS EMPLOYED AS A FIRE FIGHTER, EMERGENCY MEDICAL TECHNICIAN OR PARAMEDIC BY A PUBLIC OR PRIVATE FIRE DEPARTMENT OR AN AMBULANCE SERVICE REGULATED BY TITLE 36, CHAPTER 21.1, IS EXEMPT FROM THE REQUIREMENTS OF THIS ARTICLE.

APPROVED BY THE GOVERNOR MAY 12, 1999.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 1999.

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