

IN THE SENATE

SENATE BILL NO. 1340

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING SECTION 5-337, IDAHO CODE, TO REMOVE
REFERENCE TO PRESCRIPTIONS FOR DEFIBRILLATORS, TO REMOVE A PROVISION
RELATING TO THE INVOLVEMENT OF A PHYSICIAN IN THE OWNER'S PROGRAM FOR A
DEFIBRILLATOR AND TO REMOVE REFERENCES TO OSTEOPATHS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 5-337, Idaho Code, be, and the same is hereby
amended to read as follows:

5-337. IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR
(AED). (1) As used in this section, "defibrillator" means an "automated
external defibrillator (AED)" ~~which has been prescribed by a physician or
osteopath licensed pursuant to chapter 18, title 54, Idaho Code.~~

(2) In order to promote public health and safety:

(a) A person or entity who acquires a defibrillator ~~as a result of a pre-
scription~~ shall ensure that:

(i) Expected defibrillator users receive training in its use and
care equivalent to the CPR and AED training of the American heart
association, the American red cross or similar entities;

(ii) The defibrillator is maintained and tested by the owner ac-
cording to the manufacturer's operational guidelines;

~~(iii) There is involvement of a licensed physician in the owner's
program to ensure compliance with requirements for training, no-
tification, maintenance and guidelines for use;~~

~~(iv)~~ Any person who renders emergency care or treatment to a per-
son in cardiac arrest by using a defibrillator must activate the
emergency medical services system as soon as possible, and must
report any clinical use of the defibrillator to the prescribing
physician.

(b) Any person or entity who acquires a defibrillator ~~as a result of a
prescription~~ shall notify an agent of the emergency communications sys-
tem or emergency vehicle dispatch center of the existence, location and
type of defibrillator.

(3) (a) Any person who reasonably renders emergency care using a defib-
rillator, without remuneration or expectation of remuneration, at the
scene of an accident or emergency to a victim of the accident or emer-
gency shall not be liable for any civil damages resulting from the per-
son's acts or omissions.

(b) No cause of action shall be maintained against a licensed physi-
cian, ~~osteopath~~, physician assistant, nurse practitioner, or nurse,
or against an emergency medical technician, fireman, peace officer,
ambulance attendant or other person trained to use a defibrillator, or
against a person or entity who acquires or maintains a defibrillator

1 which arises from the reasonable use of a defibrillator in an emergency
2 setting and no cause of action shall be maintained against ~~the~~ a physi-
3 cian ~~or osteopath~~ who wrote ~~the~~ a prescription for the defibrillator ~~if~~
4 ~~the prescription was written in good faith.~~

5 (c) This immunity from civil liability does not apply if the acts or
6 omissions amount to gross negligence or willful or wanton or reckless
7 misconduct.

8 (4) A defibrillator acquired pursuant to a prescription and possessed
9 in compliance with subsection (2) of this section is exempt from the provi-
10 sions of chapter 10, title 56, Idaho Code.