

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-23-01

(Filing No. H-569)

MAJORITY
CRIMINAL JUSTICE

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1069, L.D. 1432, Bill, "An Act to Encourage Greater Acquisition, Deployment and Use of Automated External Defibrillators"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 22 MRSA c. 421 is enacted to read:

CHAPTER 421

AUTOMATED EXTERNAL DEFIBRILLATORS

§2150-C. Automated external defibrillators

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automated external defibrillator" or "AED" means a medical device approved by the United States Food and Drug Administration that:

(1) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(2) Is capable of determining whether defibrillation should be performed on an individual;

COMMITTEE AMENDMENT

2 (3) Upon determination that defibrillation should be
4 performed, automatically charges and requests delivery
 of an electrical impulse to an individual's heart; and

6 (4) Upon action by an operator, delivers an
8 appropriate electrical impulse to the individual's
 heart to perform defibrillation.

10 B. "Department" means the Department of Public Safety.

12 2. Prohibition. A person may not use an AED on another
 person unless the person using the AED:

14 A. Has successfully completed a course, approved by the
16 American Red Cross, the American Heart Association or the
 department, in the use and operation of the AED; and

18 B. Has made a reasonable attempt to summon appropriate
20 emergency services personnel. Placing a call to the
 appropriate emergency services number satisfies the
22 requirements of this paragraph.

24 This subsection does not apply to a person licensed under Title
 32, chapter 2-B or to a health care practitioner, as defined in
26 Title 24, section 2502, subsection 1-A, if the practitioner has
 received training in the use of an AED.

28 The department may provide periodic training bulletins and other
 information to persons owning and using an AED.

30 3. Duties. A person who owns or leases an AED shall:

32 A. Consult with a licensed physician for technical
34 assistance in the selection and storage location of an AED,
36 training of potential operators, protocols for use and use
 review;

38 B. Notify the Maine Emergency Medical Services within the
40 department of:

42 (1) The existence, location and type of AED the person
 possesses; and

44 (2) The clinical use made of the AED; and

46 C. Maintain and test the AED in accordance with the
48 applicable standards of the manufacturer and any other
 standards prescribed by the department.

2 4. Penalties. A person who violates any provision of this
section commits a civil violation for which a civil forfeiture
4 not exceeding \$50 may be adjudged.

6 5. Effect on other law. This section is not intended to
modify or limit and may not be interpreted as modifying or
8 limiting the immunities provided under Title 14, section 164.'

10 Further amend the bill by inserting at the end before the
summary the following:

12
14 **FISCAL NOTE**

16 The Department of Public Safety will incur some minor
additional costs to distribute information to persons who own or
18 use automated external defibrillators. These costs can be
absorbed within the department's existing budgeted resources.

20 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
22 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
24 General Fund revenue by minor amounts.'

26
28 **SUMMARY**

30 This amendment, which is the majority report of the Joint
Standing Committee on Criminal Justice, replaces the bill. This
32 amendment accomplishes the following.

34 1. It prohibits a person other than a health care provider
from using an automated external defibrillator without proper
36 training.

38 2. It prohibits a person other than a health care provider
from using an AED unless the person has called the appropriate
40 emergency services number.

42 3. It requires a person who owns or leases an AED to
consult with a licensed physician for technical assistance in the
44 selection and storage location of an AED, training of potential
operators, protocols for use and use review; notify the
46 Department of Public Safety, Maine Emergency Medical Services of
the existence, location and type of AED the person possesses and
48 the clinical use made of the AED; and maintain and test the AED
in accordance with the applicable standards of the manufacturer
and any standards prescribed by the Department of Human Services.
50

COMMITTEE AMENDMENT "A" to H.P. 1069, L.D. 1432

2 4. It clarifies that the current immunity provided for a
person who renders emergency treatment to another person in need
4 of assistance is not affected by the establishment of the new
requirements for the use of an AED.

6 5. It adds a fiscal note to the bill.