

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1432

H.P. 1069

House of Representatives, March 5, 2001

**An Act to Encourage Greater Acquisition, Deployment and Use of
Automated External Defibrillators.**

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BUMPS of China.

Cosponsored by Representatives: BULL of Freeport, TUTTLE of Sanford.

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Be it enacted by the People of the State of Maine as follows:

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

CHAPTER 421

AUTOMATED EXTERNAL DEFIBRILLATORS

§2150-C. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Automated external defibrillator. "Automated external defibrillator" means a medical device heart monitor and defibrillator that:

A. Has received approval of its premarket notification, filed pursuant to 21 United States Code, Section 360(k), from the United States Food and Drug Administration;

B. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

C. Either automatically charges and delivers an electrical impulse to an individual, or charges and delivers an electrical impulse at the command of the operator; and

D. In the case of a defibrillator that may be operated in either an automatic or a manual mode, is set to operate in the automatic mode.

2. Automated external defibrillation. "Automatic external defibrillation" means the process of applying an automated external defibrillator to a person in cardiac arrest, allowing the defibrillator to interpret the cardiac rhythm, and, if appropriate, delivering an electrical shock to the heart to allow it to resume effective electrical activity.

3. Emergency medical services provider. "Emergency medical services provider" means an advanced emergency medical technician, an ambulance attendant, a basic emergency medical services' person or a basic emergency medical technician, as defined in Title 32, section 83, subsections 1, 3-A, 6 and 7, respectively.

4. Emergency medical services system. "Emergency medical services system" means the comprehensive and coordinated statewide

2 emergency medical services system, including the trauma care
3 system, that is created in Title 32, chapter 2-B.

4 **§2150-D. Training, maintenance, testing, use and reporting**
5 **requirements**

6 **1. Training and maintenance.** A person who possesses an
7 automated external defibrillator must:

10 A. Require expected users to complete successfully a course
11 in automated external defibrillation and cardiopulmonary
12 resuscitation that is offered or approved by the American
13 Heart Association or another nationally recognized
14 organization;

16 B. Maintain and test the defibrillator according to the
17 manufacturer's guidelines; and

18 C. Consult with a physician regarding compliance with the
19 requirements of paragraphs A and B.

22 **2. Notification of location of defibrillator.** A person in
23 possession of an automated external defibrillator shall notify an
24 agent of the local emergency communications or vehicle dispatch
25 center of the existence, location and type of the automated
26 external defibrillator.

28 **3. Authorized users.** A person who has obtained appropriate
29 training on how to perform automated external defibrillation and
30 has successfully completed a course in cardiopulmonary
31 resuscitation may perform automated external defibrillation,
32 regardless of whether the person is a physician, registered
33 nurse, licensed practical nurse or emergency medical services
34 provider.

36 **4. Activation of emergency medical services system.** A
37 person who renders out-of-hospital emergency care or treatment to
38 a person in cardiac arrest by using an automated external
39 defibrillator must activate the emergency medical services system
40 as soon as possible and report any clinical use of the automated
41 external defibrillator.

42 **§2150-E. Immunity**

44 **1. Immunity for provider prescription.** Except in the case
45 of intentional misconduct, a physician is not liable for civil
46 damages for injury, death or loss to person or property for

2 providing a prescription for an automated external defibrillator
3 approved for use as a medical device by the United States Food
4 and Drug Administration.

6 2. Immunity for providing training. Except in the case of
7 intentional misconduct, a person is not liable for civil damages
8 for injury, death or loss to person or property for providing
9 training in automated external defibrillation.

10 3. Immunity for providing defibrillation. Except in the
11 case of intentional misconduct or when there is no good faith
12 attempt to notify an emergency medical services system
13 organization in accordance with section 2150-D, subsection 3, a
14 person is not criminally responsible nor liable for civil damages
15 for injury, death or loss to person or property for performing
16 automated external defibrillation in good faith, regardless of
17 whether the person has obtained appropriate training on how to
18 perform automated external defibrillation.

20 SUMMARY

22 This bill requires certain training for designated uses of a
23 defibrillator; requires notification of a defibrillator with the
24 emergency medical services system; requires activation of the
25 emergency medical services system in an emergency situation where
26 a defibrillator is used; and provides immunity from liability for
27 persons who use such a defibrillator.
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