

MAINE STATE LEGISLATURE

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Date: 5/23/07

L.D. 1785
(Filing No. H-311)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1247, L.D. 1785, Bill, "An Act To Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12"

Amend the bill by striking out the title and substituting the following:

'An Act To Permit Automated External Defibrillators in Kindergarten to Grade 12 Schools'

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

'Sec. 1. 20-A MRSA §6304 is enacted to read:

§6304. Automated external defibrillators and cardiopulmonary resuscitation

School boards may place automated external defibrillators in occupied school buildings and at school athletic events. School personnel and members of the public may receive training on how to perform cardiopulmonary resuscitation and use automated external defibrillators in order to acquire the skills and confidence to respond to emergencies.

Sec. 2. 22 MRSA §2150-C, as enacted by PL 2001, c. 364, §1, is repealed and the following enacted in its place:

§2150-C. Automated external defibrillators; immunity from civil liability

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 that combines a heart monitor and a defibrillator approved by the United States Food and Drug Administration that:

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1247, L.D. 1785

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

3 (2) Is capable of determining, without intervention by an operator, whether
4 defibrillation should be performed on an individual; and

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

7 **6. Immunity.** The following persons and entities are immune from civil liability for
8 damages relating to the use, possession or purchase of an AED and arising out of acts or
9 omissions relating to preparing for and responding to suspected sudden cardiac arrest
10 emergencies absent gross negligence or willful or wanton misconduct:

11 A. Any person or entity that acquires an AED;

12 B. Any person or entity that owns, manages or is otherwise responsible for the
13 premises on which an AED is located;

14 C. Any person who retrieves an AED in response to a perceived sudden cardiac
15 arrest emergency;

16 D. Any person who uses, attempts to use or fails to use an AED in response to a
17 perceived sudden cardiac arrest emergency;

18 E. Any physician or other authorized person who issues a prescription for the
19 purchase of an AED;

20 F. Any person or entity that is involved with the design, management or operation of
21 an AED program; and

22 G. Any person or entity that provides instruction in the use of an AED.'

23 **SUMMARY**

24 This amendment revises the title of the bill and strikes and replaces the provisions in
25 the bill that proposed to mandate that school administrative units place automated
26 external defibrillators in every school building and at school athletic events. The
27 amendment allows school boards to place automated external defibrillators in occupied
28 school buildings and at school athletic events. The amendment also allows school
29 personnel and members of the public to receive training on how to perform
30 cardiopulmonary resuscitation and use automated external defibrillators. The amendment
31 further establishes immunity from civil liability provisions for damages relating to the
32 use, possession or purchase of an automated external defibrillator and arising out of acts
33 or omissions relating to preparing for and responding to suspected sudden cardiac arrest
34 emergencies.