

[First Reprint]

SENATE, No. 1456

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED OCTOBER 19, 1998

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator JACK SINAGRA

District 18 (Middlesex)

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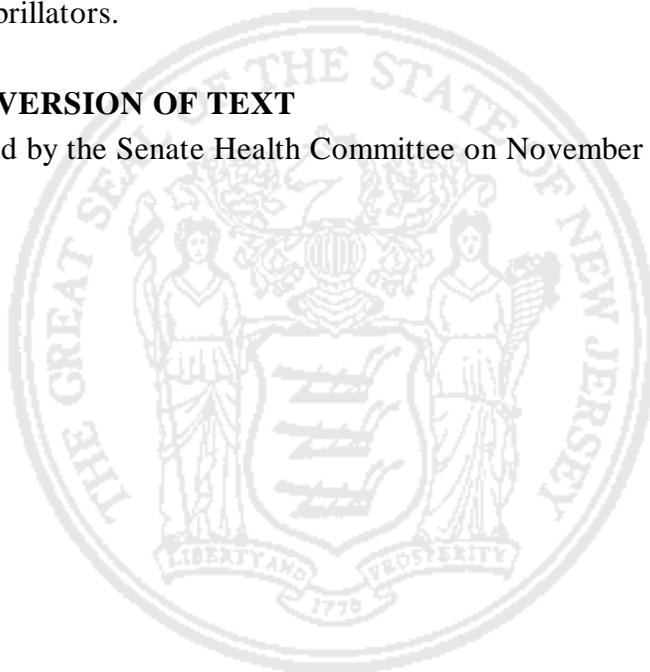
Senators Vitale and Adler

SYNOPSIS

Establishes requirements and immunity from civil liability for certain persons who use defibrillators.

CURRENT VERSION OF TEXT

As reported by the Senate Health Committee on November 23, 1998, with amendments.



(Sponsorship Updated As Of: 11/24/1998)

1 AN ACT concerning certain emergency medical services and
2 supplementing Title 2A of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. The Legislature finds that more than 350,000 Americans die
8 annually from out-of-hospital sudden cardiac arrest. Many die
9 needlessly because life saving defibrillators are not immediately
10 available. The American Heart Association estimates that almost
11 100,000 deaths could be prevented each year if defibrillators were
12 more widely available to designated responders.

13 Many communities in this State have invested in 911 emergency
14 telephone equipment, ambulances and the training of emergency
15 personnel. Not all emergency personnel, however, have been trained
16 in or have immediate access to defibrillators. It is the intent of the
17 Legislature to encourage greater acquisition, deployment and use of
18 automated external defibrillators by trained personnel throughout this
19 State.

20
21 2. As used in this act:

22 "Automated external defibrillator" or "defibrillator" means a
23 medical device heart monitor and defibrillator that:

24 a. Has received approval of its pre-market notification filed
25 pursuant to 21 U.S.C. §360 (k) from the United States Food and Drug
26 Administration;

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

31 c. Upon determining that defibrillation should be performed,
32 automatically charges and requests delivery of an electrical impulse to
33 an individual's heart.

34
35 3. A person or entity that acquires an automated external
36 defibrillator shall:

37 a. Ensure that any person, prior to using that defibrillator, has
38 successfully completed and holds a current certification from the
39 American Red Cross, American Heart Association or other training
40 program recognized by the Department of Health and Senior Services
41 in cardio-pulmonary resuscitation and use of a defibrillator;

42 b. Ensure that the defibrillator is maintained and tested according

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted November 23, 1998.

- 1 to the manufacturer's operational guidelines;
- 2 c. Notify the appropriate first aid, ambulance or rescue squad or
3 other appropriate emergency medical services provider that the person
4 or entity has acquired the defibrillator, the type acquired and its
5 location; and
- 6 d. ¹Provide for supervision of persons using the defibrillator by a
7 licensed physician. The physician shall be responsible for ensuring that
8 the person or entity complies with the requirements of subsections a.,
9 b. and c. of this section. ¹ Prior to purchasing the automated external
10 defibrillator, provide the prescribing licensed physician with
11 documentation that the person or entity purchasing the defibrillator has
12 a protocol in place to comply with the requirements of subsections a.,
13 b. and c. of this section.¹
- 14
- 15 4. a. A person shall not use a defibrillator unless he has
16 successfully completed and holds a current certification from the
17 American Red Cross, American Heart Association or other training
18 program recognized by the Department of Health and Senior Services
19 in cardio-pulmonary resuscitation and use of a defibrillator; provided
20 however, this section shall not be applicable to a person who is
21 licensed as a paramedic, emergency medical technician-D, or a first
22 responder-D by the Department of Health.
- 23 b. Any person who uses a defibrillator shall request emergency
24 medical assistance from the appropriate first aid, ambulance or rescue
25 squad as soon as practicable.
- 26 ¹[c. Any person who uses a defibrillator shall report the use of that
27 device to the supervising licensed physician appointed pursuant to
28 subsection c. of section 3 of this act.]¹
- 29
- 30 5. a. Any person or entity who, in good faith, acquires or provides
31 a defibrillator, renders emergency care or treatment by the use of a
32 defibrillator or supervises such care or treatment and, who has
33 complied with the requirements of this act, shall be immune from civil
34 liability for any personal injury as a result of such care or treatment,
35 or as a result of any acts or omissions by the person or entity in
36 providing, rendering or supervising the emergency care or treatment.
- 37 b. The immunity provided in subsection a. of this section shall
38 include the ¹[supervising] prescribing¹ licensed physician and the
39 person or entity who provided the training in cardio-pulmonary
40 resuscitation and use of the defibrillator.
- 41 c. This subsection shall not immunize a person for any act of gross
42 negligence or willful or wanton misconduct. ¹It shall not be considered
43 gross negligence or willful or wanton misconduct to fail to use a
44 defibrillator in the absence of an otherwise preexisting duty to do so.¹
- 45
- 46 6. This act shall take effect immediately.