

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 351 Session of 2011

INTRODUCED BY BAKER, ARGALL, BOSCOLA, BREWSTER, BROWNE,
 DINNIMAN, EARLL, EICHELBERGER, ERICKSON, FARNESE, FOLMER,
 FONTANA, McILHINNEY, MENSCH, ORIE, PIPPY, RAFFERTY, SMUCKER,
 SOLOBAY, TARTAGLIONE, WAUGH, D. WHITE, WILLIAMS AND YUDICHAK,
 MARCH 4, 2011

REFERRED TO JUDICIARY, MARCH 4, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in particular rights and
 3 immunities, further providing for Good Samaritan civil
 4 immunity for use of automated external defibrillator and for
 5 nonmedical good Samaritan civil immunity.

6 The General Assembly of the Commonwealth of Pennsylvania
 7 hereby enacts as follows:

8 Section 1. Sections 8331.2 and 8332 of Title 42 of the
 9 Pennsylvania Consolidated Statutes are amended to read:

10 § 8331.2. Good Samaritan civil immunity for use of automated
 11 external defibrillator.

12 (a) General rule.--[Except as otherwise provided in this
 13 section, any individual who is trained to use an automated
 14 external defibrillator in accordance with subsection (c) and]
 15 Any person who in good faith acquires and maintains an AED or
 16 uses an AED in an emergency shall not be liable for any civil
 17 damages as a result of any acts or omissions by [such] an
 18 individual [in] using the AED, except [any] if acts or omissions

1 intentionally designed to harm or any grossly negligent acts or
2 omissions [which] result in harm to the individual receiving the
3 AED treatment.

4 (b) Requirements.--Any person who acquires and maintains an
5 AED for use in accordance with this section shall [not be liable
6 for civil damages provided that the person]:

7 (1) [Ensures] Ensure that expected AED users receive
8 training pursuant to subsection (c).

9 (2) [Maintains and tests] Maintain and test the AED
10 according to the manufacturer's operational guidelines.

11 (3) [Provides] Provide instruction requiring the user of
12 the AED to utilize available means to immediately contact and
13 activate the emergency medical services system.

14 (4) [Assures] Assure that any appropriate data or
15 information is made available to emergency medical services
16 personnel or other health care providers as requested.

17 (c) Training.--For purposes of this section, expected AED
18 users shall complete training in the use of an AED [provided by
19 the American National Red Cross or the American Heart
20 Association or through an equivalent course of instruction
21 approved by the Department of Health in consultation with a
22 technical committee of the Pennsylvania Emergency Health
23 Services Council] consistent with American Red Cross, American
24 Heart Association or other national standards as identified and
25 approved by the Department of Health in consultation with the
26 Pennsylvania Emergency Health Services Council.

27 (d) Obstruction of emergency medical services personnel.--
28 Nothing in this section shall relieve a person who uses an AED
29 from civil damages when that person obstructs or interferes with
30 care and treatment being provided by emergency medical services

1 personnel or a health professional.

2 [(e) Exception.--Any individual who lacks the training set
3 forth in subsection (c) but who has access to an AED and in good
4 faith uses an AED in an emergency as an ordinary, reasonably
5 prudent individual would do under the same or similar
6 circumstances shall receive immunity from civil damages as set
7 forth in subsection (a).]

8 (f) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection:

11 "Automated external defibrillator" or "AED." A portable
12 device that uses electric shock to restore a stable heart rhythm
13 to an individual in cardiac arrest.

14 "Emergency." A situation where an individual is believed to
15 be in cardiac arrest [and] or is in need of immediate medical
16 attention to prevent death or serious injury.

17 "Good faith." Includes a reasonable opinion that the
18 immediacy of the situation is such that the use of an AED should
19 not be postponed until emergency medical services personnel
20 arrive or the person is hospitalized.

21 § 8332. [Nonmedical] Emergency response provider and bystander
22 good Samaritan civil immunity.

23 (a) General rule.--[Any person who renders emergency care,
24 first aid or rescue at the scene of an emergency, or moves the
25 person receiving such care, first aid and rescue to a hospital
26 or other place of medical care, shall not be liable to such
27 person for any civil damages as a result of any acts or
28 omissions in rendering the emergency care, first aid or rescue,
29 or moving the person receiving the same to a hospital or other
30 place of medical care, except any acts or omissions

1 intentionally designed to harm or any grossly negligent acts or
2 omissions which result in harm to the person receiving the
3 emergency care, first aid or rescue or being moved to a hospital
4 or other place of medical care] Any person, including an
5 emergency response provider, whether or not trained to practice
6 medicine, who in good faith renders emergency care, treatment,
7 first aid or rescue at the scene of or during the course of an
8 emergency event or to a victim of a crime, or who moves the
9 person receiving such care, first aid or rescue to a hospital or
10 other place of medical care, shall not be liable for any civil
11 damages as a result of rendering such care, except in any act or
12 omission intentionally designed to harm or any grossly negligent
13 acts or omissions which result in harm to the person receiving
14 emergency care or being moved to a hospital or other place of
15 medical care.

16 [(b) Exceptions.--

17 (1) This section shall not relieve a driver of an
18 ambulance or other emergency or rescue vehicle from liability
19 arising from operation or use of such vehicle.

20 (2) In order for any person to receive the benefit of
21 the exemption from civil liability provided for in subsection
22 (a), he shall be, at the time of rendering the emergency
23 care, first aid or rescue or moving the person receiving
24 emergency care, first aid or rescue to a hospital or other
25 place of medical care, the holder of a current certificate
26 evidencing the successful completion of a course in first
27 aid, advanced life saving or basic life support sponsored by
28 the American National Red Cross or the American Heart
29 Association or an equivalent course of instruction approved
30 by the Department of Health in consultation with a technical

1 committee of the Pennsylvania Emergency Health Services
2 Council and must be performing techniques and employing
3 procedures consistent with the nature and level of the
4 training for which the certificate has been issued.]

5 (c) Exception.--This section shall not relieve a driver of a
6 vehicle, including an ambulance or other emergency rescue
7 vehicle, from liability arising from an operation or use of such
8 vehicle pursuant to subsection (a).

9 (d) Definition.--For the purposes of this section, the term
10 "emergency response provider" includes Federal, State and local
11 emergency public safety, law enforcement, emergency response,
12 emergency medical, including hospital emergency facilities, and
13 related personnel, response teams, agencies and authorities.

14 Section 2. This act shall take effect in 60 days.