

## 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, YUDICHAK,  
STACK, HUGHES AND BLAKE, MARCH 4, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 25, 2012

## 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

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

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

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

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

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

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

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

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

1 care and treatment being provided by emergency medical services  
2 personnel or a health professional.

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

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

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

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

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

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

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

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

17 [(b) Exceptions.--

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

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

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

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

10 (d) Definition.--For the purposes of this section, the term  
11 "emergency response provider" includes Federal, State and local  
12 emergency public safety, law enforcement, emergency response,  
13 emergency medical, including hospital emergency facilities, and ←  
14 related personnel SERVICES PERSONNEL, response teams, agencies ←  
15 and authorities, EXCLUDING HOSPITAL EMERGENCY FACILITIES AND ←  
16 RELATED PERSONNEL.

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