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Representative Stebelton

Cosponsors: Representatives Huffman, Butler, Sears, Becker, Lynch, Antonio, Barnes, Bishoff, Brown, Carney, Schuring, Adams, R., Amstutz, Anielski, Beck, Blair, Boose, Buchy, Burkley, Celebrezze, DeVitis, Dovilla, Duffey, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Hill, Hottinger, Johnson, Landis, Maag, Mallory, McClain, Milkovich, O'Brien, Roegner, Rogers, Ruhl, Slaby, Smith, Sprague, Stinziano, Winburn

Speaker Batchelder

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To amend sections 2305.235 and 3701.85 of the Revised Code to make clear that any person may perform automated external defibrillation and to extend qualified immunity from civil liability to premises owners and other persons involved with automated external defibrillator placement and use.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2305.235 and 3701.85 of the Revised Code be amended to read as follows:

Sec. 2305.235. (A) As used in this section:

(1) "Automated external defibrillation" means the process of applying a specialized defibrillator to a person in cardiac

arrest, allowing the defibrillator to interpret the cardiac 13
rhythm, and, if appropriate, delivering an electrical shock to the 14
heart to allow it to resume effective electrical activity. 15

(2) "Physician" has the same meaning as in section 4765.01 of 16
the Revised Code. 17

(B) Except in the case of willful or wanton misconduct, no 18
physician shall be held liable in civil damages for injury, death, 19
or loss to person or property for providing a prescription for an 20
automated external defibrillator approved for use as a medical 21
device by the United States food and drug administration or 22
consulting with a person regarding the use and maintenance of a 23
defibrillator. 24

(C) Except in the case of willful or wanton misconduct, no 25
person shall be held liable in civil damages for injury, death, or 26
loss to person or property for ~~providing~~ doing any of the 27
following: 28

(1) Providing training in automated external defibrillation 29
and cardiopulmonary resuscitation; 30

(2) Authorizing, directing, or supervising the installation 31
or placement of an automated external defibrillator; 32

(3) Designing, managing, or operating a cardiopulmonary 33
resuscitation or automated external defibrillation program; 34

(4) Acquiring an automated external defibrillator; 35

(5) Owning, managing, or having responsibility for a premises 36
or location where an automated external defibrillator has been 37
placed. 38

(D) Except in the case of willful or wanton misconduct or 39
when there is no good faith attempt to activate an emergency 40
medical services system in accordance with section 3701.85 of the 41
Revised Code, no person shall be held liable in civil damages for 42

injury, death, or loss to person or property, or held criminally 43
liable, for performing automated external defibrillation in good 44
faith, regardless of whether the person has obtained appropriate 45
training on how to perform automated external defibrillation or 46
successfully completed a course in cardiopulmonary resuscitation. 47

Sec. 3701.85. (A) As used in this section: 48

(1) "Automated external defibrillation" has the same meaning 49
as in section 2305.235 of the Revised Code. 50

(2) "Emergency medical services organization" has the same 51
meaning as in section 4765.01 of the Revised Code. 52

~~(3) "Emergency medical service provider" means a person who 53
is an "emergency medical technician basic," "emergency medical 54
technician intermediate," "emergency medical 55
technician paramedic," or "first responder" as defined in section 56
4765.01 of the Revised Code. 57~~

~~(4) "Physician" has the same meaning as in section 4765.01 of 58
the Revised Code. 59~~

~~(5) "Registered nurse" and "licensed practical nurse" have 60
the same meanings as in section 4723.01 of the Revised Code. 61~~

(B) A person who possesses an automated external 62
defibrillator shall do ~~all~~ both of the following: 63

(1) ~~Require~~ Encourage expected users to complete successfully 64
a course in automated external defibrillation and cardiopulmonary 65
resuscitation that is offered or approved by ~~the American heart 66
association or another~~ a nationally recognized organization and 67
includes instruction on psychomotor skills and national 68
evidence-based emergency cardiovascular guidelines that are 69
current; 70

(2) Maintain and test the defibrillator according to the 71
manufacturer's guidelines; 72

~~(3) Consult with a physician regarding compliance with the requirements of divisions (B)(1) and (2) of this section.~~ 73
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(C) ~~A~~ It is recommended, but not required, that a person who possesses an automated external defibrillator may notify an emergency medical services organization of the location of the defibrillator. 75
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(D) ~~A~~ Any person who has obtained appropriate training on how to perform automated external defibrillation and has successfully completed a course in cardiopulmonary resuscitation may perform automated external defibrillation, regardless of whether the person is a physician, registered nurse, licensed practical nurse, or emergency medical service provider. When Training in automated external defibrillation and cardiopulmonary resuscitation is recommended but not required. 79
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A person who performs automated external defibrillation is not performed as part of an emergency medical services system or at a hospital as defined in section 3727.01 of the Revised Code, shall make a good faith effort to activate or have another person activate an emergency medical services system shall be activated as soon as possible unless the person is performing automated external defibrillation as part of an emergency medical services system or at a hospital as defined in section 3727.01 of the Revised Code. 87
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Section 2. That existing sections 2305.235 and 3701.85 of the Revised Code are hereby repealed. 96
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