

As Re-referred to the Senate Civil Justice Committee

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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

Senators Brown, Tavares

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A B I L L

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 12
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, as long as reasonable efforts are undertaken to maintain 38
the automated external defibrillator in accordance with the 39
manufacturer's specifications. 40

(D) Except in the case of willful or wanton misconduct or 41

when there is no good faith attempt to activate an emergency 42
medical services system in accordance with section 3701.85 of the 43
Revised Code, no person shall be held liable in civil damages for 44
injury, death, or loss to person or property, or held criminally 45
liable, for performing automated external defibrillation in good 46
faith, regardless of whether the person has obtained appropriate 47
training on how to perform automated external defibrillation or 48
successfully completed a course in cardiopulmonary resuscitation. 49

Sec. 3701.85. (A) As used in this section: 50

(1) "Automated external defibrillation" has the same meaning 51
as in section 2305.235 of the Revised Code. 52

(2) "Emergency medical services organization" has the same 53
meaning as in section 4765.01 of the Revised Code. 54

~~(3) "Emergency medical service provider" means a person who 55
is an "emergency medical technician basic," "emergency medical 56
technician intermediate," "emergency medical 57
technician paramedic," or "first responder" as defined in section 58
4765.01 of the Revised Code. 59~~

~~(4) "Physician" has the same meaning as in section 4765.01 of 60
the Revised Code. 61~~

~~(5) "Registered nurse" and "licensed practical nurse" have 62
the same meanings as in section 4723.01 of the Revised Code. 63~~

(B) A person who possesses an automated external 64
defibrillator shall do ~~all~~ both of the following: 65

(1) ~~Require~~ Encourage expected users to complete successfully 66
a course in automated external defibrillation and cardiopulmonary 67
resuscitation that is offered or approved by ~~the American heart 68
association or another~~ a nationally recognized organization and 69
includes instruction on psychomotor skills and national 70
evidence-based emergency cardiovascular guidelines that are 71

current; 72

(2) Maintain and test the defibrillator according to the 73
manufacturer's guidelines; 74

~~(3) Consult with a physician regarding compliance with the 75
requirements of divisions (B)(1) and (2) of this section. 76~~

(C) A It is recommended, but not required, that a person who 77
possesses an automated external defibrillator may notify an 78
emergency medical services organization of the location of the 79
defibrillator. 80

(D) A Any person who has obtained appropriate training on how 81
to perform automated external defibrillation and has successfully 82
completed a course in cardiopulmonary resuscitation may perform 83
automated external defibrillation, regardless of whether the 84
person is a physician, registered nurse, licensed practical nurse, 85
or emergency medical service provider. When Training in automated 86
external defibrillation and cardiopulmonary resuscitation is 87
recommended but not required. 88

A person who performs automated external defibrillation is 89
not performed as part of an emergency medical services system or 90
at a hospital as defined in section 3727.01 of the Revised Code, 91
shall make a good faith effort to activate or have another person 92
activate an emergency medical services system shall be activated 93
as soon as possible unless the person is performing automated 94
external defibrillation as part of an emergency medical services 95
system or at a hospital as defined in section 3727.01 of the 96
Revised Code. 97

Section 2. That existing sections 2305.235 and 3701.85 of the 98
Revised Code are hereby repealed. 99