

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1314

Introduced by

Representative Guggisberg

1 A BILL for an Act to amend and reenact section 32-03.1-02.3 of the North Dakota Century
2 Code, relating to limited liability for use of automated external defibrillators.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 32-03.1-02.3 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-03.1-02.3. Automated external defibrillators - ~~Requirements~~Liability limited.**

- 7 ~~1. Except for a medical services facility or prehospital emergency medical services~~
8 ~~provider, every person who acquires an automated external defibrillator shall:~~
- 9 ~~a. Require every individual expected to use the automated external defibrillator to~~
10 ~~receive training in the most recent nationally recognized course in~~
11 ~~cardiopulmonary resuscitation and automated external defibrillator use;~~
 - 12 ~~b. Maintain and test the automated external defibrillator according to the~~
13 ~~manufacturer's operational guidelines;~~
 - 14 ~~c. Establish an automated external defibrillator use protocol that provides any~~
15 ~~person who provides emergency care or treatment to an individual in cardiac~~
16 ~~arrest by using the automated external defibrillator shall contact, as soon as~~
17 ~~possible, an appropriate health care provider or emergency medical services~~
18 ~~provider; and~~
 - 19 ~~d. Consider recommendations of a licensed physician in establishing the training,~~
20 ~~notification, and maintenance requirements of this subsection.~~

21 ~~2. Any person~~An individual who in good faith and without compensation provides
22 emergency care or emergency treatment by using an automated external defibrillator is immune
23 from civil liability for any personal injury resulting from the emergency care or emergency
24 treatment and for any act or failure to act in providing or arranging further medical treatment if

1 the ~~person~~individual providing the emergency care or emergency treatment acted as an
2 ordinary, reasonable, prudent person would act under the same or similar circumstances. This
3 subsection does not apply if a personal injury results from the gross negligence or from the
4 willful or wanton misconduct of the ~~person~~individual providing the emergency care or
5 emergency treatment.

6 ~~3. The immunity provision of subsection 2 applies to a licensed physician under~~
7 ~~subdivision d of subsection 1, the person who provides the training under~~
8 ~~subdivision a of subsection 1, and the person responsible for the site on which the~~
9 ~~automated external defibrillator is located.~~

10 4. This section does not limit civil liability protection provided by any other law.