

**SENATE BILL NO. 2348**

Introduced by

Senators Heckaman, Erbele

Representatives Mock, Nathe, Oversen

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 training in the 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.**

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 ~~American heart association or American red cross~~ training in  
11 cardiopulmonary resuscitation and automated external defibrillator use ~~or an~~  
12 equivalent by means of:

13 (1) A course provided by the American heart association or the American red  
14 cross;

15 (2) A nationally recognized course in cardiopulmonary resuscitation and  
16 automated external defibrillator use provided by an entity other than one  
17 listed in paragraph 1; or

18 (3) A course meeting nationally recognized standards and ~~provided~~approved by  
19 the medical director of the local emergency medical services provider;

20 b. Maintain and test the automated external defibrillator according to the  
21 manufacturer's operational guidelines;

22 c. Establish an automated external defibrillator use protocol that provides any  
23 person who provides emergency care or treatment to an individual in cardiac  
24 arrest by using the automated external defibrillator shall contact, as soon as

1                    possible, an appropriate health care provider or emergency medical services  
2                    provider; and

3                    d. Consider recommendations of a licensed physician in establishing the training,  
4                    notification, and maintenance requirements of this subsection.

5                    2. Any person who in good faith and without compensation provides emergency care or  
6                    emergency treatment by using an automated external defibrillator is immune from civil  
7                    liability for any personal injury resulting from the emergency care or emergency  
8                    treatment and for any act or failure to act in providing or arranging further medical  
9                    treatment if the person providing the emergency care or emergency treatment acted  
10                    as an ordinary, reasonable, prudent person would act under the same or similar  
11                    circumstances. This subsection does not apply if a personal injury results from the  
12                    gross negligence or from the willful or wanton misconduct of the person providing the  
13                    emergency care or emergency treatment.

14                    3. The immunity provision of subsection 2 applies to a licensed physician under  
15                    subdivision d of subsection 1, the person who provides the training under  
16                    subdivision a of subsection 1, and the person responsible for the site on which the  
17                    automated external defibrillator is located.

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