

The Commonwealth of Massachusetts
Chapter 142
In the year One Thousand Nine Hundred Ninety-nine

An Act Limiting Liability Resulting From The Use Of Automated External Defibrillation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 112 of the general laws is hereby amended by inserting after section 12v the following section:-

Section 12v -1/2. (A) As used in this section, the following words, shall, unless the context requires otherwise, have the following meanings:-

“AED”, A semi-automatic or automatic external defibrillator.

“AED Agency”, A person that (i) possesses an AED that is maintained and tested in accordance with it’s manufacturer’s guidelines, (ii) permits an AED provider to use an AED in it’s possession, (iii) requires that each AED provider, in each instance of responding to a request for emergency care or treatment, contacts the police or emergency medical services in the city or town which they are located and provides a report to it’s AED medical director, (iv) prior to implementation of it’s public access defibrillation program, notifies the local police and emergency medical services provider of the number, type and location of the AED’s in it’s possession, and (v) contracts with an AED medical director , who shall be responsible for ensuring that the AED agency complies with AED maintenance, AED provider training and notice requirements.

“AED medical director” a physician practicing in or adjacent to the regional emergency medical services region of the city or town in which the AED agency with which he contracts is located, who (i) is an emergency physician or cardiologist or a physician having specialized training and knowledge concerning public access defibrillation, (ii) is knowledgeable about emergency medical services protocols established pursuant to chapter 111c, (iii) is familiar with cardiopulmonary resuscitation and AED action sequences, (iv) coordinates the activities of the AED agency with which he contracts and it’s AED providers, with the protocols described and the action sequences described in this section, and (v) evaluates the activities of the AED agency with which he contracts.

“AED provider”, a person (i) who has successfully completed a course in cardiopulmonary resuscitation and in the use of an AED that meets or exceeds the standards established by the American Heart Association or the American National Red Cross and (ii) whose evidence of successful course completion has not expired.

“Public access defibrillation program”, a program sponsored by an AED agency, using AED providers and an AED medical director, which makes automatic external defibrillation and AED providers available to the public.

(b) Any AED provider who in good faith renders emergency cardiopulmonary resuscitation or automatic external defibrillation, in accordance with his training through a public access defibrillation program, to any person who apparently requires cardiopulmonary resuscitation or defibrillation, **shall not be liable for acts or omission, other than gross negligence or willful or wanton misconduct, resulting from the rendering of emergency cardiopulmonary resuscitation or defibrillation.**

(c) An AED medical director and an agency who in good faith participates in a public access defibrillation program **shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from such participation.**

Passes to be enacted,

House of Representatives, November 16,1999

Passed to be enacted,

In Senate, November 18,1999

