

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Permit Automated External
Defibrillators in Kindergarten to Grade 12 Schools'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'**Sec. 1. 20-A MRSA §6304** is enacted to read:

§ 6304. Automated external defibrillators and cardiopulmonary resuscitation

School boards may place automated external defibrillators in occupied school buildings and at school athletic events. School personnel and members of the public may receive training on how to perform cardiopulmonary resuscitation and use automated external defibrillators in order to acquire the skills and confidence to respond to emergencies.

Sec. 2. 22 MRSA §2150-C, as enacted by PL 2001, c. 364, §1, is repealed and the following enacted in its place:

§ 2150-C. Automated external defibrillators; immunity from civil liability

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automated external defibrillator" or "AED" means a medical device that combines a heart monitor and a defibrillator approved by the United States Food and Drug Administration that:

(1) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(2) Is capable of determining, without intervention by an operator, whether defibrillation should be performed on an individual; and

(3) Upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

6. Immunity. The following persons and entities are immune from civil liability for damages relating to the use, possession or purchase of an AED and arising out of acts or omissions relating to preparing for and responding to suspected sudden cardiac arrest emergencies absent gross negligence or willful or wanton misconduct:

- A. Any person or entity that acquires an AED;
- B. Any person or entity that owns, manages or is otherwise responsible for the premises on which an AED is located;
- C. Any person who retrieves an AED in response to a perceived sudden cardiac arrest emergency;
- D. Any person who uses, attempts to use or fails to use an AED in response to a perceived sudden cardiac arrest emergency;
- E. Any physician or other authorized person who issues a prescription for the purchase of an AED;
- F. Any person or entity that is involved with the design, management or operation of an AED program; and
- G. Any person or entity that provides instruction in the use of an AED.'

SUMMARY

This amendment revises the title of the bill and strikes and replaces the provisions in the bill that proposed to mandate that school administrative units place automated external defibrillators in every school building and at school athletic events. The amendment allows school boards to place automated external defibrillators in occupied school buildings and at school athletic events. The amendment also allows school personnel and members of the public to receive training on how to perform cardiopulmonary resuscitation and use automated external defibrillators. The amendment further establishes immunity from civil liability provisions for damages relating to the use, possession or purchase of an automated external defibrillator and arising out of acts or omissions relating to preparing for and responding to suspected sudden cardiac arrest emergencies.