

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0178.01 Richard Sweetman

SENATE BILL 09-010

SENATE SPONSORSHIP

Spence,

HOUSE SPONSORSHIP

Primavera,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENCOURAGING THE USE OF AUTOMATED EXTERNAL**
102 **DEFIBRILLATORS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Eliminates certain staffing and reporting requirements of a person or entity that acquires an automated external defibrillator (AED). Provides to a person or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an AED immunity from liability for any civil damages for acts or omissions made in good faith as a result of such care or treatment, regardless of whether the person or entity that acquired the AED has satisfied statutory

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
January 26, 2009

requirements and other provisions of law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 13-21-108.1 (3) (a) (III), (3) (a) (IV), (3) (a)
3 (V), (4) (b), and (4) (c), Colorado Revised Statutes, are amended to read:

4 **13-21-108.1. Persons rendering emergency assistance through**
5 **the use of automated external defibrillators - limited immunity.**

6 (3) (a) In order to ensure public health and safety, a person or entity who
7 acquires an AED shall ensure that:

8 ~~(III) There is involvement of a licensed physician in the program~~
9 ~~at the site of the AED to ensure compliance with requirements for~~
10 ~~training, notification, and maintenance;~~

11 (IV) ~~There are~~ Written plans ARE in place concerning the
12 placement of AEDs, training of personnel, pre-planned coordination with
13 the emergency medical services system, medical oversight, AED
14 maintenance, identification of personnel authorized to use AEDs, and
15 reporting of AED utilization, which written plans have been reviewed and
16 approved by a licensed physician; AND

17 (V) Any person who renders emergency care or treatment to a
18 person in cardiac arrest by using an AED activates the emergency medical
19 services system as soon as possible. ~~and reports any clinical use of the~~
20 ~~AED to the licensed physician affiliated with the program.~~

21 (4) (b) The LIMITED immunity provided in paragraph (a) of this
22 subsection (4) extends to:

23 (I) The licensed physician who is involved with AED site
24 placement REVIEWED AND APPROVED THE WRITTEN PLANS DESCRIBED IN
25 SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS

1 SECTION;

2 (II) The person or entity who provides the CPR and AED site
3 placement;

4 (III) ANY PERSON OR ENTITY THAT PROVIDES TEACHING OR
5 TRAINING PROGRAMS FOR CPR TO THE SITE AT WHICH THE AED IS
6 PLACED, WHICH PROGRAMS INCLUDE TRAINING IN THE USE OF AN AED;
7 and

8 (IV) The person or entity responsible for the site where the AED
9 is located. ==

10 (c) The LIMITED immunity provided in this subsection (4) applies
11 ~~only if~~ REGARDLESS OF WHETHER the requirements of subsection (3) of
12 this section are met; EXCEPT THAT THE PERSON OR ENTITY RESPONSIBLE
13 FOR THE SITE WHERE THE AED IS LOCATED SHALL RECEIVE THE LIMITED
14 IMMUNITY ONLY IF THE REQUIREMENTS OF SUBPARAGRAPH (II) OF
15 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION ARE MET.

16 **SECTION 2.** 22-1-125 (5), Colorado Revised Statutes, is
17 amended to read:

18 **22-1-125. Automated external defibrillators in public schools.**

19 (5) To ensure public health and safety, a school district that acquires an
20 automated external defibrillator shall meet the ~~training, maintenance,~~
21 ~~inspection, and physician involvement~~ requirements set forth in section
22 13-21-108.1 (3), C.R.S., and shall reference the requirements of that
23 section in the school district's safety, readiness, and incident management
24 plan pursuant to section 22-32-109.1 (4) (d).

25 **SECTION 3. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.