

**HOUSE BILL NO. 1226**

Introduced by

Representatives Damschen, Bellew, Porter

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 notification to the state department of health of acquisition of an automated  
3 external defibrillator.

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

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

7 **32-03.1-02.3. Automated external defibrillators - Requirements.**

- 8 1. Except for a medical services facility or prehospital emergency medical services  
9 provider, every person who acquires an automated external defibrillator shall:
- 10 a. ~~Notify the department of health, upon acquisition of an automated external~~  
11 ~~defibrillator, of the location of and the type of automated external defibrillator.~~
  - 12 b. Require every individual expected to use the automated external defibrillator  
13 to receive American heart association or American red cross training in  
14 cardiopulmonary resuscitation and automated external defibrillator use or an  
15 equivalent nationally recognized course in cardiopulmonary resuscitation and  
16 automated external defibrillator use.
  - 17 e. b. Maintain and test the automated external defibrillator according to the  
18 manufacturer's operational guidelines.
  - 19 e. c. Establish an automated external defibrillator use protocol that provides any  
20 person who provides emergency care or treatment to an individual in cardiac  
21 arrest by using the automated external defibrillator shall contact as soon as  
22 possible an appropriate health care provider or emergency medical services  
23 provider.

- 1           e- d. Consider recommendations of a licensed physician in establishing the  
2                           training, notification, and maintenance requirements of this subsection.
- 3           2. Any person who in good faith and without compensation provides emergency care  
4                           or emergency treatment by using an automated external defibrillator is immune  
5                           from civil liability for any personal injury resulting from the emergency care or  
6                           emergency treatment and for any act or failure to act in providing or arranging  
7                           further medical treatment if the person providing the emergency care or emergency  
8                           treatment acted as an ordinary, reasonable, prudent person would act under the  
9                           same or similar circumstances. This subsection does not apply if a personal injury  
10                          results from the gross negligence or from the willful or wanton misconduct of the  
11                          person providing the emergency care or emergency treatment.
- 12           3. If the requirements of subsection 1 are met, the immunity provision of subsection 2  
13                          applies to a licensed physician under subdivision e d of subsection 1, the person  
14                          who provides the training under subdivision ~~b~~ a of subsection 1, and the person  
15                          responsible for the site on which the automated external defibrillator is located.
- 16           4. This section does not limit civil liability protection provided by any other law.