

**2017 HOUSE HUMAN SERVICES**

**HB 1314**

## 2017 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee  
Fort Union Room, State Capitol

HB 1314

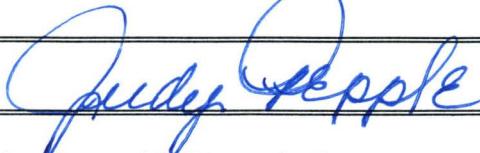
1/25/2017

No tape

Subcommittee

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to limited liability for use of automated external defibrillators.

Minutes:

1, 2

Vice Chairman Devlin Called the committee to order.

Opened hearing on HB 1314.

Rep. Guggisberg  
(Attachment 1)

Rep. P. Anderson: We had testimony in this committee earlier this year and they said it was very simple to use. The directions are right on the defibrillator.

Rep. Guggisberg: Yes, they are simple. Having both CPR and defibrillator training is very helpful, but the instructions are on the machines.

Representative McWilliams: What is the worst thing that can happen if you misuse a defibrillator?

Rep. Guggisberg: If someone is in contact with the patient when they are shocked, they might get a shock.

Rep. Porter: In the current law we use the word person. That includes the business, the one that put it there, etc. You changed it to individual. That changes it totally.

Rep. Guggisberg: I didn't realize that. I would then say that it should go back to what it said in the beginning. That was not our intention.

Vice Chairman Devlin: Representative Porter, can you answer further Representative McWilliams: question?

Representative Porter: There are no reports of AEDs harming bystanders or users. Also, there are no reports of AEDs delivering inappropriate shocks.

Vice Chairman Devlin: Further questions?

Representative Skroch: Who does the maintenance on them and makes sure they work?

Guggisberg: We do building inspections on a yearly basis and inspect everything in the building.

Representative Skroch: Is there an expiration date on these? I think it is important that they are inspected.

Guggisberg: They usually last about 10 years. Sometimes they need new batteries or something.

Chairman Devlin: Is there further testimony in support of HB 1314.

Stephanie Dassinger, Deputy Director of the ND League of Cities  
Written testimony provided, but she did not appear.  
(Attachment 2)

Chairman Devlin: Is there testimony in opposition to HB 1314?

If none, we will close the hearing on HB 1314.

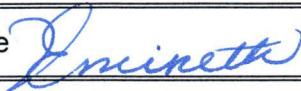
# 2017 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee  
Fort Union Room, State Capitol

HB 1314  
1/31/2017  
27685

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to limited liability for use of automated external defibrillators

**Minutes:**



**Chairman Weisz:** Called the committee to order.

**Chairman Weisz:** There was some concern about businesses since it was changed to individual. It was suggested that a fix might be to put the language back in on line 7,8, and 9 on page 2 where it says "a person provides the training and the person responsible for the site on the training is located" so that would still apply.

**Rep. Porter:** I am not totally opposed to strike all of the overstricken language on sub 3 so that if there still a licensed physician involved in the purchasing process if the person who provides the training under this subsection isn't being held responsible for hanging one at their site.

I would move that we remove the overstrike on lines on all of the language on lines 6,7,8 and9.

**Rep. McWilliams:** Second.

**Rep. McWilliams:** Why was it overstruck to begin with?

**Rep. Porter:** The bill sponsor didn't know. He said the bill came.

**Chairman Weisz:** when they took out some of the language on page 1 the assumption was there was a liability issue then on the backside other than that I have no idea either.

**Rep. Skroch:** What we are doing is bringing back 6,7,8,9 into the law?

**Rep. Schneider:** If we remove the overstrike on page 2 and leave it in on page 1 we are referring on page 2 to the physician's duty in 1 D which have been overstruck?

**Chairman Weisz:** That is correct. We can't refer to something we are taking away.

**Rep. Porter:** I withdraw my motion.

**Rep. McWilliams:** I withdraw my second. (5:32)

**Rep. Porter:** The way I read this on line 8 we would start a new sentence that says "the person responsible for the site on which on which the fabricator is located"

**Chairman Weisz:** On line 6 sub section 2 applies to the person responsible which is the immunity for the individual will also apply to the person responsible for the site.

**Rep. Porter:** You are still missing the trainer that is teaching the CPR class. I would like to protect them as well. On page 1 line 21 you could put a, and then say trainer or emergency care, emergency treatment. Then you would cover the trainer so that you are in the good faith part.

**Chairman Weisz:** That would work.

**Rep. Schneider:** That would be on page 2 that we would put back in? On we want to change the person to the individual?

**Rep. Porter:** All we need to say is the immunity. On page 1 line 21 we would insert the word trainee, and on page 2 line 1 after the include training, and then on page 2 line 8 remove the overstrike starting after the word and so the person responsible for the site on which the automatic defibrillator is located. Then renumber accordingly.

**Chairman Weisz:** They deleted all of 1 they deleted all of 3 so they took subsections away. now if we add that back in they will put in subsections.

**Rep. Porter:** The immunity provision applies and then go to line 8, - once they get the drafting done they will have to get the numbering done accordingly then so be it.

**Chairman Weisz:** I think that will get us there, adding training under individual. We will have to pay attention when they send it up here. Does everyone understand it? Rep. Porter made a motion. Seconded by Rep. Skroch voice vote took place motion carried. Are there further amendments?

**Rep. Rhor:** I move a do pass as amended on HB 1314.

**Rep. Schneider:** Seconded.

**Chairman Weisz:** Discussion? Roll Call on a do pass as amended on HB 1314  
Yes 14 No 0 Absent 0 Floor Assignment Rep. Schneider

January 31, 2017

2/1/17  
1/31/17  
JW/C

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1314

Page 1, line 21, after "provides" insert "training to use an automated external defibrillator."

Page 1, line 22, after "care" insert "by using an automated external defibrillator."

Page 1, line 23, after "the" insert "training."

Page 1, line 23, after "care" insert an underscored comma

Page 2, line 1, after the second "the" insert "training."

Page 2, line 1, after "care" insert an underscored comma

Page 2, line 3, overstrike "subsection" and insert immediately thereafter "section"

Page 2, line 4, after the second "the" insert "training."

Page 2, line 4, after "care" insert an underscored comma

Page 2, line 8, after "and" insert "This section provides immunity to"

Page 2, line 8, remove the overstrike over "~~the person responsible for the site on which the~~"

Page 2, remove the overstrike over line 9

Renumber accordingly

Date: 1-31-17  
Roll Call Vote #: 1314

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1314

House Human Services Committee

Subcommittee

Amendment LC# or Description: 17.0738.01001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass  
 As Amended  
 Place on Consent Calendar  
 Reconsider

Without Committee Recommendation  
 Rerrefer to Appropriations

Other Actions:  \_\_\_\_\_

Motion Made By Porter Seconded By Skruch

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. P. Anderson		
Vice Chairman Rohr			Rep. Schneider		
Rep. B. Anderson					
Rep. D. Anderson					
Rep. Damschen					
Rep. Devlin					
Rep. Kiefert					
Rep. McWilliams					
Rep. Porter					
Rep. Seibel					
Rep. Skroch					
Rep. Westlind					

Total    (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1-7-17  
Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1314

House Human Services Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Rohr Seconded By Rep. Schneider

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. P. Anderson	✓	
Vice Chairman Rohr	✓		Rep. Schneider	✓	
Rep. B. Anderson	✓				
Rep. D. Anderson	✓				
Rep. Damschen	✓				
Rep. Devlin	✓				
Rep. Kiefert	✓				
Rep. McWilliams	✓				
Rep. Porter	✓				
Rep. Seibel	✓				
Rep. Skroch	✓				
Rep. Westlind	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Schneider

If the vote is on an amendment, briefly indicate intent:

X

**REPORT OF STANDING COMMITTEE**

**HB 1314: Human Services Committee (Rep. Weisz, Chairman)** recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**  
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1314 was placed on the  
Sixth order on the calendar.

Page 1, line 21, after "provides" insert "training to use an automated external defibrillator."

Page 1, line 22, after "care" insert "by using an automated external defibrillator."

Page 1, line 23, after "the" insert "training."

Page 1, line 23, after "care" insert an underscored comma

Page 2, line 1, after the second "the" insert "training."

Page 2, line 1, after "care" insert an underscored comma

Page 2, line 3, overstrike "subsection" and insert immediately thereafter "section"

Page 2, line 4, after the second "the" insert "training."

Page 2, line 4, after "care" insert an underscored comma

Page 2, line 8, after "and" insert "This section provides immunity to"

Page 2, line 8, remove the overstrike over "~~the person responsible for the site on which the~~"

Page 2, remove the overstrike over line 9

Renumber accordingly

**2017 SENATE HUMAN SERVICES**

**HB 1314**

# 2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

HB 1314  
3/7/2017  
Job Number 28796

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A bill relating to limited liability for use of automated external defibrillators.

**Minutes:**

1 Attachment

**V-Chair Larsen:** Brought the hearing to order, Chair J. Lee was absent for the beginning.

**Representative Ron Guggisberg, District 11 (0:55-5:10) introduced the bill, please see attachment #1.**

**Senator Kreun:** In your bill, on lines 21-24, the crux of the bill; read the text from the bill. If I trained some of my employees, and I didn't do it 100% according to regulation, but we're still trying to do the right thing, it doesn't hold me or the person doing the defibrillation accountable?

**Rep. Guggisberg:** Right, the defibrillators are so easy to use, with compression only CPR. If we can find people to train, they shouldn't be liable for helping, if we were charging people to learn CPR, then certainly there's some liability involved there.

**Senator Heckaman:** In your testimony you said this gives immunity to an individual willing to purchase an AED, let's say I purchase one for my business, and it doesn't work, does that put me in a precarious position? I don't see anything in the bill about purchasing. Is it in here?

**Rep. Guggisberg:** I don't see it either.

**Senator Heckaman:** Is that your intention?

**Rep. Guggisberg:** Yes, the intention is if someone is willing to buy one and have it available for public use, you shouldn't be able to sue them if it doesn't work properly.

**Senator Heckaman:** I don't see the word purchase in here; if you like purchase in there, we may have to put it in.

**Rep. Guggisberg:** On line 8 says requires, let me back up. It's a good Samaritan bill, which usually takes liability away from people who are willing to step up; and then there's a section that added liability, but we're taking that out.

**Senator Heckaman:** I need to know what you want in this bill, to make it work.

**Rep. Guggisberg:** I guess I don't know what it needs besides this.

**Senator Piepkorn:** I don't think it needs that in there, this is your description in your testimony, but not in the bill.

**V-Chair Larsen:** When you said you were looking at some that are out there that don't work, is it batteries? Can they be replaced easily? How much is the cost?

**Rep. Guggisberg:** Sometimes it's the batteries, sometimes it's the patches. My point in my testimony, this law doesn't fix that, there are programs that can fix that; and if we removed this section of law, it will help us to get people willing to help. The costs of batteries vary quite a bit, some are brand specific, 10-year shelf life, patches are the same with a 2 to 6-year shelf life.

**Chair J. Lee:** Is there any way to test them? Are there expiration dates on them?

**Rep. Guggisberg:** They have an indicator on them that says whether the battery is full or not, and an icon that indicates maintenance. In Fargo, when we do fire inspections, we check them every year. Gave an example of an inspection that saved a woman's life.

**Senator Clemens:** Are there any restrictions for an individual to buy an AED?

**Rep. Guggisberg:** Not that I know of, no.

**No opposition or neutral testimony.**

**Chair J. Lee:** Closed the hearing.

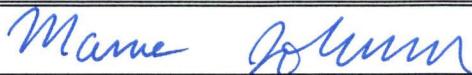
# 2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

HB 1314  
3/7/2017  
Job Number 28812

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A bill relating to limited liability for use of automated external defibrillators.

**Minutes:**

No attachments.

**Chair J. Lee:** Opened the hearing, all members were present.

**Senator Heckaman:** In his testimony, Rep. Guggisberg stated it will give immunity to an individual willing to purchase and make available, so when I look at the bill, that's crossed out.

**Chair J. Lee:** On page 2, line 9 provides immunity to the person responsible for the site on which the automatic external defibrillator is located.

**Senator Heckaman:** It doesn't say anything about who purchased it, it matters to me, if I buy one that isn't useable. He said it's ok, so I'm ok, I just don't quite get it.

**Senator Kreun:** It provides immunity for the person responsible for the site. So if it's on site, you're thinking the purchase is separate, it's not.

**Senator Heckaman:** If I put them out, but they don't work and people learn how to use them, but they don't work, who is liable?

**Chair J. Lee:** The manufacturer.

**Senator Piepkorn:** Nobody, it's just not working.

**Senator Anderson:** I checked the AED in Methodist church in Turtle Lake, the batteries were dead, it's kind of expensive to replace the batteries.

**Senator Kreun:** (inaudible)

**Senator Anderson:** The purpose is to lighten up on the intrusive required training to have an AED. They are very simple to use now; I think we should let it go.

**Senator Anderson: I move Do Pass.**

**Senator Heckaman: Second.**

**A roll call vote was taken.**

**Motion Passes 7-0-0.**

**Senator Larsen will carry.**

**Chair J. Lee: Closed the hearing.**

Date: 3/1 2017

Roll Call Vote #:       )

## **2017 SENATE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 1314

Senate Human Services Committee

Subcommittee

Amendment LC# or Description:

Other Actions:  Reconsider

Motion Made By Sen. Anderson Seconded By Sen. Heckaman

Total (Yes) 7 No 0

Absent D

Floor Assignment \_\_\_\_\_ Sen. Larsen

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1314, as engrossed:** Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1314 was placed on the Fourteenth order on the calendar.

**2017 TESTIMONY**

**HB 1314**

*Att. 1  
HB 1314  
1-25-17*

Chair Lee and Members of the Human Services Committee,

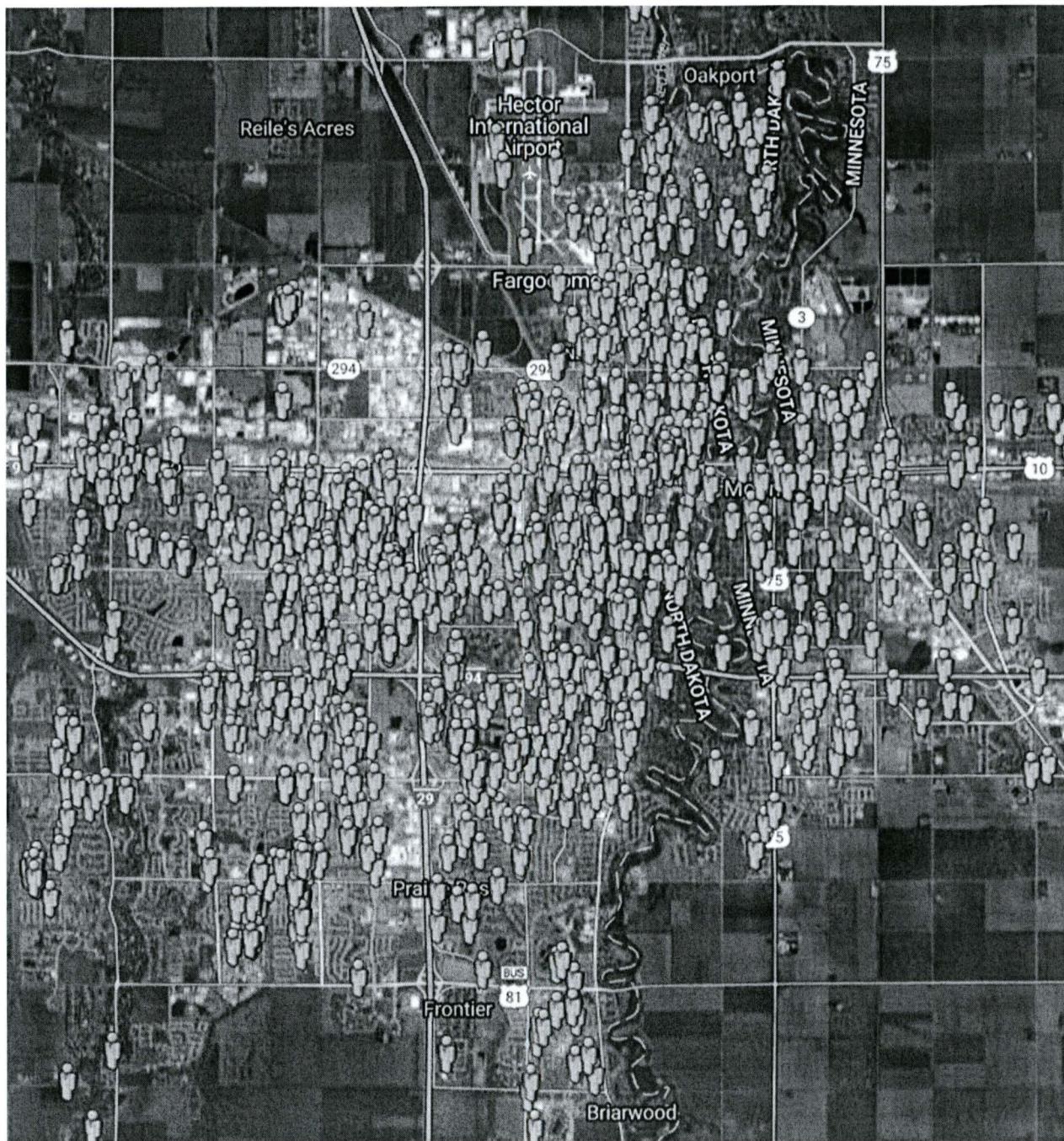
For the record, Representative Ron Guggisberg District 11  
Fargo.

House Bill 1314 seeks to give immunity to an individual willing to purchase and make available for use an automated external defibrillator (AED).

Many attempts have been made over the years to update and clarify this section of the century code. The committee should not in any way view this as a discouragement from training or maintenance of an AED. Recent studies have clarified the two largest factors of survival in out of hospital cardiac arrest are immediate high quality chest compressions and a timely shock from an AED. These timely interventions typically are best provided by a citizen before the arrival of first responders.

Communities are making efforts to encourage purchasing and allowing public use of AEDs. One of my roles in my , “real job” is teaching CPR and managing our Public Access Defibrillator program. One thing I hear from firefighters discussing and encouraging business owners to purchase AEDs is the question,

"what does, "expected to use" mean"? I believe removing this language would take the burden off of business owners and clarify the intention of a Good Samaritan Law.



Att. 2  
HB 1314  
1-25-17

January 25, 2017

House Human Services  
HB 1314

Chairman Weisz and members of the committee, for the record I am Stephanie Dassinger, Deputy Director of the North Dakota League of Cities. I also serve as the staff attorney for the League.

I appear before you today to express the League's support of HB 1314. This bill removes the requirement for facilities that have a defibrillator to receive training in the most recent nationally recognized course. This would allow more facilities to look at purchasing these devices due to the cost savings from not requiring the training. It also clarifies the civil immunity offered to individuals using a defibrillator in good faith to try and save someone's life.

Recently, the League's Board of Directors passed a motion to have the League start researching the possibility of bulk buying defibrillators, hopefully at a discounted rate, to be able to pass the savings on to our member cities. This program would be purely a service and the League does not intend to make any money from the program. As part of the research the League has conducted on defibrillators, the staff attended a mini training session on the machine. If you have not had the opportunity to see one of these machines in action and listen to the instructions it gives, I encourage you to do so. It's amazing how it walks a user through the steps necessary to potentially save someone's life.

Two of the concerns that arose about cities purchasing defibrillators were the education requirements and the liabilities associated with a city owning a defibrillator. This bill addresses both of those concerns.

For these reasons, the League urges the committee to vote DO PASS on HB 1314.

THANK YOU FOR YOUR TIME AND CONSIDERATION. I will try to answer any questions.

Chair Lee and Members of the Human Services Committee,

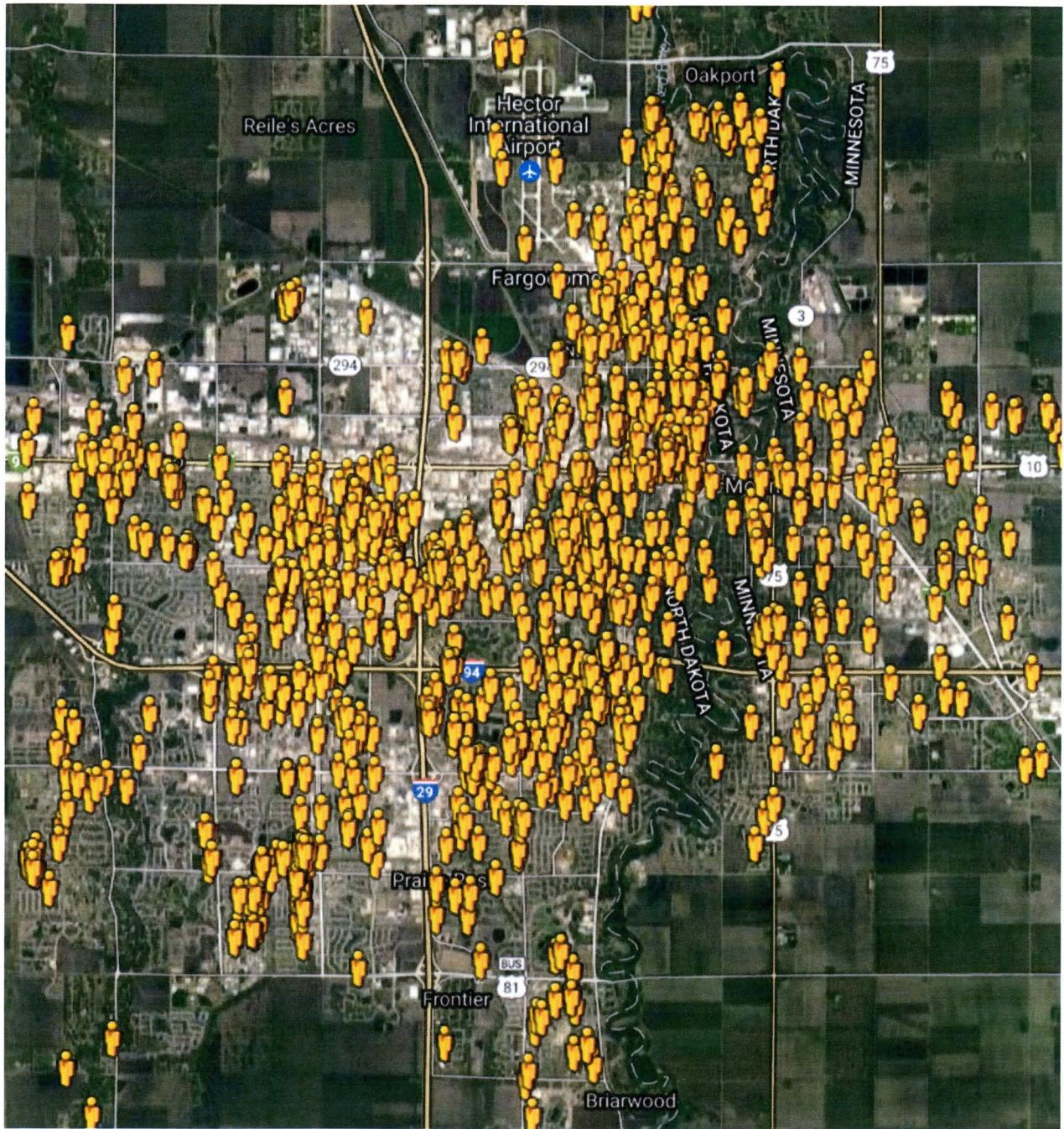
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#1  
3/1  
pg.3

