

CHAPTER 96
SENATE BILL No. 102

AN ACT concerning emergency medical services; relating to use of automated external defibrillator; amending K.S.A. 2008 Supp. 65-6149a and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2008 Supp. 65-6149a is hereby amended to read as follows: 65-6149a. (a) ~~An automated external defibrillator may be used by any qualified person.~~

~~(b) As used in this section, "qualified person" means a person who: (1) Has completed a course in cardiopulmonary resuscitation or a basic first aid course of training that includes cardiopulmonary resuscitation training; (2) has completed a course of training in the use of automated external defibrillators; and (3) has demonstrated proficiency in the use of an automated external defibrillator.~~

~~(c) (1) Any qualified person who gratuitously and in good faith renders emergency care or treatment by the use of or provision of an automated external defibrillator shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.~~

(2) No person or entity which owns, leases, possesses or otherwise controls an automated external defibrillator and provides such automated external defibrillator to others for use shall be held liable for any civil damages as a result of such use where the person or entity which owns, leases, possesses or otherwise controls the automated external defibrillator has developed, implemented and follows guidelines to ensure proper maintenance and operation of the device ~~and reasonably expects the automated external defibrillator to be used by a qualified person.~~

(3) No person licensed to practice medicine and surgery who pursuant to a prescription order authorizes the acquisition of an automated external defibrillator or participates in the development of usual and customary protocols for an automated external defibrillator by a person or entity which owns, leases, possesses or otherwise controls such automated external defibrillator and provides such automated external defibrillator for use by others shall be held liable for any civil damages as a result of such use.

(4) No person or entity which teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillators shall be held liable for any civil damages as a result of such training or use if such person or entity has provided such training in a manner consistent with the usual and customary standards for the providing of such training.

~~(d) (b)~~ Pursuant to the provisions of this subsection, persons or entities which purchase or otherwise acquire an automated external defibrillator shall notify the emergency medical service which operates in the geographic area of the location of the automated external defibrillator. Persons or entities acquiring an automatic electronic defibrillator shall notify the emergency medical service providing local service on forms developed and provided by the emergency medical services board.

~~(e) (c)~~ The secretary of administration, in conjunction with the Kansas highway patrol, shall develop guidelines for the placement of automated external defibrillators in state owned or occupied facilities. The guidelines shall include, but not be limited to:

- (1) Which state owned or occupied facilities should have automated external defibrillators readily available for use;
- (2) recommendations for appropriate training courses in cardiopulmonary resuscitation and automated external defibrillators use;
- (3) integration with existing emergency response plans;
- (4) proper maintenance and testing of the devices;
- (5) coordination with appropriate professionals in the oversight of training; and
- (6) coordination with local emergency medical services regarding placement and conditions of use.

Nothing in this subsection shall be construed to require the state to purchase automated external defibrillators.

Sec. 2. K.S.A. 2008 Supp. 65-6149a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 17, 2009.
