

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 132

As Amended by House Committee on
Health and Human Services

Brief*

SB 132, as amended, amends a statute that authorizes use of automated external defibrillators by any qualified person and relieves such persons from civil liability as a result of such care or treatment. For the purposes of the statute, a qualified person is one who has completed training specified in the statute.

The bill adds new categories of persons to those who are not to be held liable in a civil action for activities relating to the ownership or use of automated external defibrillators, including:

A person or entity who owns, leases, possesses, or otherwise controls such device and provides it for others to use when the person or entity has developed, implemented, and follows guidelines ensuring proper maintenance and operation of the device and reasonably expects that the device will be operated by a qualified person;

Any 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 a device and provides such a device to others for use; and

Any person or entity teaching or providing a training program for cardiopulmonary resuscitation that includes training in the use of an automated external defibrillators as a result of such

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrld>

training or use if the person or entity has provided such training in a manner consistent with usual and customary standards.

Persons or entities purchasing or acquiring an automatic external defibrillator would be required to notify the emergency medical service operating in the geographic area on forms developed by the Emergency Medical Services Board.

Further, the Secretary of Administration, in conjunction with the Kansas Highway Patrol, shall develop guidelines for the placement of automatic external defibrillators in state-owned and occupied facilities and set out those matters that are to be included in the guidelines.

Background

SB 132 was supported during a hearing on the bill by representatives of American Medical Response, the American Heart Association, the Kansas Medical Society, the Kansas Association of School Boards, the Kansas State Nurses Association, the Kansas Board of Emergency Medical Services, and the Kansas Trial Lawyers Association. The amendment adopted by the Committee was suggested by a representative of the Division of Facilities Management.

The House Committee amendments move the existing statutory definition of “qualified person” to the beginning of the statute; rewrite the exemption for persons licensed to practice medicine and surgery; and includes the Kansas Highway Patrol in the development of guidelines for the placement of automated external defibrillators in state-owned or occupied facilities.