

CHAPTER 120

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**COURTS**

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**HOUSE BILL 99-1283**

BY REPRESENTATIVES Spence, Coleman, Witwer, Decker, Kester, King, Lawrence, Stengel, Swenson, Tapia, Vigil, and Webster;  
also SENATORS Blickensderfer, Congrove, Epps, Hernandez, Maritnez, Musgrave, Reeves, Tebedo, and Weddig.

**AN ACT**

CONCERNING LIMITED IMMUNITY FOR THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS IN EMERGENCY SITUATIONS.

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

**SECTION 1.** Part 1 of article 21 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**13-21-108.1. Persons rendering emergency assistance through the use of automated external defibrillators - limited immunity.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENCOURAGE THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS FOR THE PURPOSE OF SAVING THE LIVES OF PEOPLE IN CARDIAC ARREST.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AED" OR "DEFIBRILLATOR" MEANS AN AUTOMATED EXTERNAL DEFIBRILLATOR THAT:

(I) HAS RECEIVED APPROVAL OF ITS PREMARKET NOTIFICATION FILED PURSUANT TO 21 U.S.C. SEC. 360 (k), FROM THE FEDERAL FOOD AND DRUG ADMINISTRATION;

(II) IS CAPABLE OF RECOGNIZING THE PRESENCE OR ABSENCE OF VENTRICULAR FIBRILLATION OR RAPID VENTRICULAR TACHYCARDIA, AND IS CAPABLE OF DETERMINING, WITHOUT INTERVENTION BY AN OPERATOR, WHETHER DEFIBRILLATION SHOULD BE PERFORMED; AND

(III) UPON DETERMINING THAT DEFIBRILLATION SHOULD BE PERFORMED,

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

AUTOMATICALLY CHARGES AND REQUESTS DELIVERY OF AN ELECTRICAL IMPULSE TO AN INDIVIDUAL'S HEART.

(b) "LICENSED PHYSICIAN" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE.

(3) (a) IN ORDER TO ENSURE PUBLIC HEALTH AND SAFETY, A PERSON OR ENTITY WHO ACQUIRES AN AED SHALL ENSURE THAT:

(I) EXPECTED AED USERS RECEIVE TRAINING IN CARDIOPULMONARY RESUSCITATION (CPR) AND AED USE THROUGH A COURSE APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(II) THE DEFIBRILLATOR IS MAINTAINED AND TESTED ACCORDING TO THE MANUFACTURER'S OPERATIONAL GUIDELINES AND THAT WRITTEN RECORDS ARE MAINTAINED OF THIS MAINTENANCE AND TESTING;

(III) THERE IS INVOLVEMENT OF A LICENSED PHYSICIAN IN THE PROGRAM AT THE SITE OF THE AED TO ENSURE COMPLIANCE WITH REQUIREMENTS FOR TRAINING, NOTIFICATION, AND MAINTENANCE;

(IV) THERE ARE WRITTEN PLANS IN PLACE CONCERNING THE PLACEMENT OF AED'S, TRAINING OF PERSONNEL, PRE-PLANNED COORDINATION WITH THE EMERGENCY MEDICAL SERVICES SYSTEM, MEDICAL OVERSIGHT, AED MAINTENANCE, IDENTIFICATION OF PERSONNEL AUTHORIZED TO USE AED'S, AND REPORTING OF AED UTILIZATION, WHICH WRITTEN PLANS HAVE BEEN REVIEWED AND APPROVED BY A LICENSED PHYSICIAN;

(V) ANY PERSON WHO RENDERS EMERGENCY CARE OR TREATMENT TO A PERSON IN CARDIAC ARREST BY USING AN AED ACTIVATES THE EMERGENCY MEDICAL SERVICES SYSTEM AS SOON AS POSSIBLE AND REPORTS ANY CLINICAL USE OF THE AED TO THE LICENSED PHYSICIAN AFFILIATED WITH THE PROGRAM.

(b) ANY PERSON OR ENTITY THAT ACQUIRES AN AED SHALL NOTIFY AN AGENT OF THE APPLICABLE EMERGENCY COMMUNICATIONS OR VEHICLE DISPATCH CENTER OF THE EXISTENCE, LOCATION, AND TYPE OF AED.

(4) (a) ANY PERSON OR ENTITY WHOSE PRIMARY DUTIES DO NOT INCLUDE THE PROVISION OF HEALTH CARE AND WHO, IN GOOD FAITH AND WITHOUT COMPENSATION, RENDERS EMERGENCY CARE OR TREATMENT BY THE USE OF AN AED SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS MADE IN GOOD FAITH 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, UNLESS THE ACTS OR OMISSIONS WERE GROSSLY NEGLIGENT OR WILLFUL AND WANTON.

(b) THE IMMUNITY PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (4) EXTENDS TO THE LICENSED PHYSICIAN WHO IS INVOLVED WITH AED SITE PLACEMENT, THE PERSON OR ENTITY WHO PROVIDES THE CPR AND AED SITE PLACEMENT, AND THE PERSON OR ENTITY RESPONSIBLE FOR THE SITE WHERE THE AED IS LOCATED.

(c) THE IMMUNITY PROVIDED IN THIS SUBSECTION (4) APPLIES ONLY IF THE

REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION ARE MET.

(5) THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION SHALL NOT APPLY TO ANY INDIVIDUAL USING AN AED DURING A MEDICAL EMERGENCY IF THAT INDIVIDUAL IS ACTING AS A GOOD SAMARITAN UNDER SECTION 13-21-108.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 16, 1999