

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

841L0771

HOUSE BILL NO. 1245

Introduced by: Representative Rave and Senator Dempster

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of automated
2 external defibrillators.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 20-9-4.3 be amended to read as follows:

5 20-9-4.3. Terms used in §§ 20-9-4.3 to 20-9-4.8, inclusive, mean:

6 (1) "AED," an automated external defibrillator;

7 (2) "Person," a natural person, organization, corporation, partnership, limited
8 partnership, joint venture, association, or any other legal or commercial entity;

9 ~~(3) "Physician," a physician licensed pursuant to chapter 36-4.~~

10 Section 2. That § 20-9-4.4 be amended to read as follows:

11 20-9-4.4. Any person, who in good faith obtains an AED for use in providing emergency
12 care or treatment or utilizes an AED, is immune from civil liability for any injury as a result of
13 such emergency care or treatment or as a result of an act or failure to act in providing or
14 arranging such medical emergency care or treatment. ~~This immunity applies only if the~~
15 ~~following requirements are fulfilled:~~

16 ~~(1) The person tests and maintains the AED, or arranges to have such testing and~~



1 maintenance performed on the AED pursuant to the AED manufacturer's
2 specifications;

3 ~~(2) The person involves a physician to authorize in writing AED placement and~~
4 ~~compliance with the requirements for AED training, notification of placement and~~
5 ~~use, and maintenance;~~

6 ~~(3) An emergency medical services system is activated when an AED has been used to~~
7 ~~render emergency care or treatment; and~~

8 ~~(4) The person has reported any emergency use of the AED to the physician.~~

9 Section 3. That § 20-9-4.8 be amended to read as follows:

10 20-9-4.8. The immunity from civil liability under §§ ~~20-9-4.3 to 20-9-4.8, inclusive;~~ § 20-9-
11 4.4 does not apply if the personal injury results from the gross negligence or willful or wanton
12 misconduct of the person rendering such emergency care.

13 Section 4. That § 20-9-4.5 be repealed.

14 ~~20-9-4.5. Any physician who provides those services stated in subdivision 20-9-4.4(2) is~~
15 ~~immune from civil liability for any personal injury that occurs as a result of emergency care or~~
16 ~~treatment rendered using the AED or as a result of an act or failure to act in providing or~~
17 ~~arranging such medical treatment.~~

18 Section 5. That § 20-9-4.6 be repealed.

19 ~~20-9-4.6. Any person who provides AED training is immune from civil liability for any~~
20 ~~personal injury that occurs as a result of emergency care or treatment rendered using the AED~~
21 ~~or as a result of an act or failure to act in providing or arranging such medical treatment.~~

22 Section 6. That § 20-9-4.7 be repealed.

23 ~~20-9-4.7. Any person who acquires an AED shall notify an agent of the emergency~~
24 ~~communications or vehicle dispatch center of the existence, location, and type of AED.~~