

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1242

Introduced by

Representatives Porter, R. Kelsch, Severson

Senators Cook, Kilzer

1 A BILL for an Act to provide automated external defibrillator site requirements and civil liability  
2 immunity for the use of an automated external defibrillator.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Automated external defibrillators - Requirements.**

- 5 1. Except for a medical services facility or prehospital emergency medical services  
6 provider, every person who acquires an automated external defibrillator shall:
- 7 a. Notify the department of health, upon acquisition of an automated external  
8 defibrillator, of the location of and the type of automated external defibrillator.
- 9 b. Require every individual expected to use the automated external defibrillator  
10 to receive American heart association or American red cross training in  
11 cardiopulmonary resuscitation and automated external defibrillator use or an  
12 equivalent nationally recognized course in cardiopulmonary resuscitation and  
13 automated external defibrillator use.
- 14 c. Maintain and test the automated external defibrillator according to the  
15 manufacturer's operational guidelines.
- 16 d. Establish an automated external defibrillator use protocol that provides any  
17 person who provides emergency care or treatment to an individual in cardiac  
18 arrest by using the automated external defibrillator shall contact as soon as  
19 possible an appropriate health care provider or emergency medical services  
20 provider.
- 21 e. Consider recommendations of a licensed physician in establishing the  
22 training, notification, and maintenance requirements of this subsection.
- 23 2. Any person who in good faith and without compensation provides emergency care  
24 or emergency treatment by using an automated external defibrillator is immune

- 1 from civil liability for any personal injury resulting from the emergency care or  
2 emergency treatment and for any act or failure to act in providing or arranging  
3 further medical treatment if the person providing the emergency care or  
4 emergency treatment acted as an ordinary, reasonable, prudent person would act  
5 under the same or similar circumstances. This subsection does not apply if a  
6 personal injury results from the gross negligence or from the willful or wanton  
7 misconduct of the person providing the emergency care or emergency treatment.
- 8 3. If the requirements of subsection 1 are met, the immunity provision of subsection 2  
9 applies to a licensed physician under subdivision e of subsection 1, the person  
10 who provides the training under subdivision b of subsection 1, and the person  
11 responsible for the site on which the automated external defibrillator is located.
- 12 4. This section does not limit civil liability protection provided by any other law.