

1 AN ACT relating to automated external defibrillators.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 311.667 is amended to read as follows:

4 In order to ensure public health and safety:

5 (1) A person or entity who acquires an AED shall ensure that:

6 (a) Expected AED users receive American Heart Association or American Red
7 Cross training in CPR and AED use, or an equivalent nationally recognized
8 course in CPR and AED use;

9 (b) The AED is maintained and tested according to the manufacturer's operational
10 guidelines; ***and***

11 (c) ~~[There is medical oversight of the AED program by a physician licensed in
12 Kentucky to ensure compliance with requirements for training, maintenance,
13 notification, and communication with the local emergency medical services
14 system. The physician providing oversight shall also work with the AED site
15 to establish protocols for AED deployment and conduct a review of each use
16 of an AED; and~~

17 ~~(d)]Any person who renders emergency care or treatment on a person in cardiac
18 arrest by using an AED activates the local emergency medical services system
19 as soon as possible[and, if an entity with an AED program, reports any
20 clinical use of the AED to the licensed physician].~~

21 (2) Any person or entity who acquires an AED shall notify an agent of the local
22 emergency medical services system and the local emergency communications or
23 vehicle dispatch center of the existence, location, and type of AED acquired.

24 ➔Section 2. KRS 311.668 is amended to read as follows:

25 (1) Any person or entity who, in good faith and without compensation, renders
26 emergency care or treatment by the use of an AED shall be immune from civil
27 liability for any personal injury as a result of the care or treatment, or as a result of

1 any act or failure to act in providing or arranging further medical treatment, where
2 the person acts as an ordinary, reasonable prudent person would have acted under
3 the same or similar circumstances.

4 (2) The immunity from civil liability for any personal injury under subsection (1) of
5 this section includes ~~a~~~~the~~ licensed physician who is involved with AED site
6 placement, the person or entity who provides the CPR and AED site placement, the
7 person or entity who provides the CPR and AED training, and the person or entity
8 responsible for the site where the AED is located.

9 (3) The immunity from civil liability under subsection (1) of this section does not apply
10 if the personal injury results from the gross negligence or willful or wanton
11 misconduct of the person rendering the emergency care.

12 (4) The requirements of KRS 311.667 shall not apply to any individual using an AED
13 in an emergency setting if that individual is acting as a Good Samaritan under KRS
14 313.035 and 411.148.