



January 11, 2006

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## HOUSE BILL No. 1106

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DIGEST OF HB 1106 (Updated January 10, 2006 11:50 am - DI 77)

**Citations Affected:** IC 16-31; IC 34-30.

**Synopsis:** Automatic external defibrillators. Removes the requirements that a person or entity that acquires a defibrillator ensure that the users have completed certain courses and have enlisted a physician for medical direction.

**Effective:** July 1, 2006.

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January 5, 2006, read first time and referred to Committee on Public Health.  
January 10, 2006, reported — Do Pass.

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HB 1106—LS 6743/DI 77+



January 11, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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## HOUSE BILL No. 1106

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 16-31-6.5-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A person or entity  
3 acquiring a defibrillator shall ~~do the following:~~

4 (1) ~~Ensure that expected defibrillator users successfully complete~~  
5 ~~an American Heart Association automated external defibrillator~~  
6 ~~course or the equivalent and an American Heart Association~~  
7 ~~cardiopulmonary resuscitation course or the equivalent, taught by~~  
8 ~~a national or state approved instructor. The user of a defibrillator~~  
9 ~~shall possess demonstrated proficiency in defibrillation and~~  
10 ~~cardiopulmonary resuscitation.~~

11 (2) ~~ensure that the defibrillator is maintained and tested according~~  
12 ~~to the manufacturer's operational guidelines.~~

13 (3) ~~Enlist medical direction by a licensed physician in the use of~~  
14 ~~the defibrillator and cardiopulmonary resuscitation.~~

15 SECTION 2. IC 34-30-12-1 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This section does  
17 not apply to services rendered by a health care provider (as defined in

HB 1106—LS 6743/DI 77+



1 IC 34-18-2-14 or IC 27-12-2-14 before its repeal) to a patient in a  
2 health care facility (as defined in IC 27-8-10-1).

3 (b) Except as provided in subsection (c), a person who comes upon  
4 the scene of an emergency or accident or is summoned to the scene of  
5 an emergency or accident and, in good faith, gratuitously renders  
6 emergency care at the scene of the emergency or accident is immune  
7 from civil liability for any personal injury that results from:

8 (1) any act or omission by the person in rendering the emergency  
9 care; or

10 (2) any act or failure to act to provide or arrange for further  
11 medical treatment or care for the injured person;  
12 except for acts or omissions amounting to gross negligence or willful  
13 or wanton misconduct.

14 (c) This subsection applies to a person to whom IC 16-31-6.5  
15 applies. A person who gratuitously renders emergency care involving  
16 the use of an automatic external defibrillator is immune from liability  
17 for any act or omission not amounting to gross negligence or willful or  
18 wanton misconduct if the person fulfills the requirements set forth in  
19 IC 16-31-6.5.

20 (d) This subsection applies to an individual, business, or  
21 organization to which IC 16-31-6.5 applies. An individual, business, or  
22 organization that allows a person who is an expected user to use an  
23 automatic external defibrillator of the individual, business, or  
24 organization to in good faith gratuitously render emergency care is  
25 immune from civil liability for any damages resulting from an act or  
26 omission not amounting to gross negligence or willful or wanton  
27 misconduct by the user or for acquiring or providing the automatic  
28 external defibrillator to the user for the purpose of rendering the  
29 emergency care if the individual, business, or organization and the user  
30 fulfill the requirements set forth in IC 16-31-6.5.

31 (e) ~~The A~~ licensed physician who gives medical direction in the use  
32 of a defibrillator ~~under IC 16-31-6.5-4~~ or a national or state approved  
33 defibrillator instructor of a person who gratuitously renders emergency  
34 care involving the use of an automatic external defibrillator is immune  
35 from civil liability for any act or omission of the licensed physician or  
36 instructor if

37 (†) the act or omission of the licensed physician or instructor:  
38 (A) (1) involves the training for or use of an automatic external  
39 defibrillator; and  
40 (B) (2) does not amount to gross negligence or willful or wanton  
41 misconduct. ~~and~~  
42 (2) ~~the licensed physician or instructor fulfills the requirements of~~

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1      ~~IC 16-31-6.5:~~

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1106, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN T, Chair

Committee Vote: yeas 11, nays 0.

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