

# House Bill 3059

Sponsored by Representative HASS, Senator RINGO; Representatives AVAKIAN, BARKER, BARNHART, BEYER, BOONE, BUCKLEY, BURLEY, DINGFELDER, ESQUIVEL, HANSEN, HOLVEY, HUNT, KRIEGER, MACPHERSON, MERKLEY, RILEY, ROBLAN, ROSENBAUM, Senators BATES, COURTNEY, DEVLIN (at the request of Beaverton School District)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires automated external defibrillator to be annually tested for purposes of liability involving person rendering emergency medical assistance with automated external defibrillator.

## A BILL FOR AN ACT

1  
2 Relating to use of automated external defibrillators; creating new provisions; and amending ORS  
3 30.801.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 30.801 is amended to read:

6 30.801. (1) A person may not maintain an action for damages for injury, death or loss that results  
7 from acts or omissions of another person rendering emergency medical assistance with an automated  
8 external defibrillator.

9 (2) The provisions of this section do not apply to any person who renders medical assistance  
10 with the expectation of compensation.

11 (3) The immunity provided by this section applies only if:

12 (a) Before using an automated external defibrillator, the person using the defibrillator has re-  
13 ceived instruction in the use of defibrillators and in cardiopulmonary resuscitation in a course ap-  
14 proved by the Department of Human Services;

15 (b) The person using an automated external defibrillator on another person calls 9-1-1 or such  
16 other emergency phone number serving the area as soon as possible after use of the defibrillator,  
17 and provides all information on the use of the defibrillator requested by the emergency medical  
18 service provider, as defined in ORS 41.685, or health care provider that assumes responsibility for  
19 the care of the person on whom the defibrillator was used;

20 (c) The automated external defibrillator has been maintained and **annually** tested [*in the manner*  
21 *required by the manufacturer's guidelines*];

22 (d) The person that acquired and maintains the automated external defibrillator has sought  
23 medical direction from a licensed physician in the use of the defibrillator and in cardiopulmonary  
24 resuscitation; and

25 (e) The person that acquired and maintains the automated external defibrillator has contacted  
26 at least one local emergency medical service provider, as defined in ORS 41.685, serving the area  
27 in which the defibrillator is used and has notified that organization of the location of the  
28 defibrillator.

29 (4) The immunity provided by this section applies to a person that acquires and maintains an  
30 automated external defibrillator, a person who uses the defibrillator on another person, a person

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 that provides instruction in the use of defibrillators and in cardiopulmonary resuscitation pursuant  
2 to the requirements in subsection (3)(a) of this section, a physician who provides medical direction  
3 in the use of the defibrillator and in cardiopulmonary resuscitation pursuant to the requirements in  
4 subsection (3)(d) of this section and any person that owns or exercises control over the property  
5 where the defibrillator is used.

6 (5) Use of an automated external defibrillator is medical care for the purposes of ORS 30.800.  
7 Subject to the requirements of ORS 30.800, a person providing emergency medical assistance through  
8 the use of an automated external defibrillator may claim the immunity provided by ORS 30.800 if the  
9 person is not entitled to the immunity provided under the provisions of this section.

10 (6) As used in this section, "emergency medical assistance" has the meaning given that term in  
11 ORS 30.800.

12 **SECTION 2. The amendments to ORS 30.801 by section 1 of this 2005 Act apply to causes**  
13 **of action arising on or after the effective date of this 2005 Act.**

14