

Amendment No. 289

Senate Amendment to Senate Bill No. 316	(BDR 3-739)
Proposed by: Committee on Judiciary	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, by deleting lines 1 through 7.

Amend section 1, page 2, line 8, by deleting “3.” and inserting “2.”.

Amend section 1, page 2, line 11, by deleting “[3.] 4.” and inserting “3.”.

Amend sec. 2, page 4, by deleting lines 7 through 40 and inserting:

“8. Any person who ~~f~~:

—(a) ~~Has successfully completed a course in cardiopulmonary resuscitation and training in the operation and use of an automated external defibrillator that were conducted in accordance with the standards of the American Heart Association or the American National Red Cross; and~~

—(b) ~~Gratuitously~~ *gratuitously* and in good faith renders emergency medical care involving the use of an automated external defibrillator ~~in accordance with his training,~~

KEL/BAW

Date: 4/18/2005

S.B. No. 316—Limits civil liability of certain persons providing gratuitous services under certain circumstances.



~~↪~~] is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

9. ~~[A person or governmental entity that provided the requisite training set forth in subsection 8 to a person who renders emergency care in accordance with subsection 8 is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care.~~

~~—10.]~~ A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:

(a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;

(b) ~~[Ensures that only a person who has at least the qualifications set forth in subsection 8 uses the automated external defibrillator to provide care;~~

~~—(c)]~~ Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

~~[(d) Establishes and maintains a program to ensure compliance with current regulations, requirements for training,]~~

(c) *Establishes* requirements for *the*".

Amend sec. 2, page 4, line 43, by deleting "11." and inserting "~~11.]~~ 10."

Amend sec. 2, page 5, lines 1 and 2, by deleting:

~~"[for receiving] to the person rendering"~~ and inserting "for receiving".

Amend the title of the bill to read as follows:

“AN ACT relating to civil liability; revising the provisions limiting the liability of a volunteer of a charitable organization; revising the provisions relating to limiting the liability of a person who renders gratuitous medical care involving the use of an automated external defibrillator; revising the provisions limiting the liability of certain medical providers who render gratuitous care or assistance for certain entities; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions limiting civil liability of certain persons providing gratuitous services. (BDR 3-739)”.