

2019 -- S 0165

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

Introduced By: Senator Walter S. Felag

Date Introduced: January 24, 2019

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-1-34 of the General Laws in Chapter 9-1 entitled "Causes of
2 Action" is hereby amended to read as follows:

3 **9-1-34. Administering cardiopulmonary resuscitation or automated external**
4 **defibrillation -- Immunity from liability.**

5 (a) No person, ~~whether acting in an official capacity or as a private volunteer,~~ who
6 gratuitously renders emergency assistance in the nature of cardiopulmonary resuscitation or
7 automated external defibrillation to a person in need thereof, shall be liable for civil damages for
8 any personal injuries which result from acts or omissions by such persons rendering the
9 emergency care, which may constitute ordinary negligence; ~~provided, however, that this~~
10 ~~immunity applies only to persons who have been trained in accordance with standards~~
11 ~~promulgated by either the American heart association or the American national red cross.~~ This
12 immunity does not apply to acts or omissions constituting gross, willful, or wanton negligence.
13 This immunity shall also extend to persons providing approved training in cardiopulmonary
14 resuscitation and use of automated external defibrillation ~~in accordance with standards~~
15 ~~promulgated by either the American heart association or the American national red cross~~ and to
16 physicians providing medical direction oversight for programs of automated external defibrillator
17 use.

18 (b) Property lessees and owners where the emergency assistance occurs as well as the
19 owners of the actual life saving equipment shall enjoy immunity from liability. [This immunity](#)

1 [does not apply to acts or omissions constituting gross, willful, or wanton negligence.](#)

2 SECTION 2. Section 16-21-33.1 of the General Laws in Chapter 16-21 entitled "Health
3 and Safety of Pupils" is hereby amended to read as follows:

4 **16-21-33.1. Automatic external defibrillators.**

5 (a) Legislative findings:

6 (1) Approximately three hundred twenty-five thousand (325,000) Americans suffer
7 sudden cardiac arrest ("SCA") each year and more than ninety-five percent (95%) of them die
8 before reaching the hospital;

9 (2) In the population of Rhode Island, an estimated one thousand (1,000) residents will
10 die of cardiac arrest every year;

11 (3) No official statistics have been gathered about SCA in children, however experts
12 estimate about three hundred (300) deaths because of SCA every year for people under the age of
13 twenty-one (21) or about one tenth of one percent (.001%);

14 (4) This means that at least one person under the age of twenty-one (21) years, most
15 likely a student, will die due to athletics related SCA every year in Rhode Island;

16 (5) If defibrillation is performed within five (5) to seven (7) minutes, chances of survival
17 are increased by forty-nine percent (49%). Every minute that goes by without defibrillation
18 reduces the chance of survival by seven percent (7%) to ten percent (10%);

19 (6) Automated external defibrillators (AEDs) are extremely accurate computerized
20 devices that can be operated by the average person;

21 (7) AEDs are inexpensive and grants for AEDs are mostly given to nonprofit
22 organizations, such as schools; and

23 (8) AEDs can be acquired through grants from various organizations or through
24 government agencies.

25 (b) All high schools and middle schools, whether they are public or privately run, shall
26 provide and maintain on-site functional automated external defibrillators (AEDs) in quantities
27 and types, deemed by the commissioner of education, in consultation with the director of health,
28 to be adequate to ensure ready and appropriate access for use during emergencies. Whenever
29 school facilities are used for school-sponsored or school-approved curricular or extracurricular
30 activities, and whenever a school-sponsored athletic contest is held at any location, the school
31 officials and administrators responsible for such school facility or athletic contest shall ensure the
32 presence of at least one person who is properly trained in the operation and use of an AED. Such
33 training may be conducted by qualified personnel, including, but not limited to, municipal fire
34 and police department employees.

1 [\(c\) Any person who uses an AED pursuant to this section shall be entitled to immunity](#)
2 [from liability in accordance with § 9-1-34.](#)

3 SECTION 3. Section 23-6.5-2 of the General Laws in Chapter 23-6.5 entitled
4 "Automated External Defibrillators Required at Public Places" is hereby amended to read as
5 follows:

6 **23-6.5-2. Automated external defibrillators requirements.**

7 (a) As used in this chapter, "public place" means an enclosed area capable of holding
8 three hundred (300) people or more and to which the public is invited or in which the public is
9 permitted, including, but not limited to: banks; bars; educational facilities; health-care facilities;
10 laundromats; public transportation facilities; reception areas; restaurants; retail food production
11 and marketing establishments; retail service establishments; retail stores; shopping malls; sports
12 arenas; government offices; theaters; and waiting rooms. A private residence is not a "public
13 place" unless it is used as a child-care, adult day-care, or health-care facility.

14 (b) Notwithstanding the provisions contained in §§ 5-50-12 or 16-21-33.1 relating to
15 automated external defibrillators in health clubs and schools, any person who owns or operates a
16 public place as defined in subsection (a) of this section shall provide and maintain:

17 (1) On-site, functional automated external defibrillators (AEDs) in quantities and types,
18 deemed by the director of health, to be adequate to ensure ready and appropriate access for use
19 during emergencies; and

20 (2) At least one person who is properly trained in the operation and use of an AED.
21 Training required by this chapter may be conducted by qualified personnel, including, but not
22 limited to, municipal fire and police department employees.

23 [\(c\) Any person who uses an AED pursuant to this section shall be entitled to immunity](#)
24 [from liability in accordance with § 9-1-34.](#)

25 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

1 This act would extend the immunity from liability for ordinary negligence to any person
2 who uses an automated external defibrillator or performs cardiopulmonary resuscitation to a
3 person in need thereof, and makes clear such immunity applies to defibrillator use in schools and
4 other public places.

5 This act would take effect upon passage.

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