

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 189

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

AN ACT

RELATING TO HEALTH; LIMITING LIABILITY FOR A GOOD SAMARITAN WHO
COMES TO THE AID OF A PERSON IN NEED OF DEFIBRILLATION;
AMENDING SECTIONS OF THE CARDIAC ARREST RESPONSE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-10C-3 NMSA 1978 (being Laws 1999,
Chapter 94, Section 3, as amended) is amended to read:

"24-10C-3. DEFINITIONS.--As used in the Cardiac Arrest
Response Act:

A. "automated external defibrillator" means a
medical device heart monitor and defibrillator that:

(1) has received approval of its premarket
modification filed pursuant to 21 U.S.C. 360(k), from the
United States food and drug administration;

(2) is capable of recognizing cardiac arrest

1 that will respond to defibrillation, ventricular fibrillation
2 or rapid ventricular tachycardia, and is capable of determining
3 whether defibrillation should be performed; and

4 (3) upon determining that defibrillation
5 should be performed, automatically charges and is capable of
6 delivering an electrical impulse to an individual's heart;

7 B. "automated external defibrillator program" means
8 a program of trained targeted responders registered with the
9 department and operating under the supervision of a physician
10 medical director;

11 C. "defibrillation" means the administration of a
12 controlled electrical charge to the heart to restore a viable
13 cardiac rhythm;

14 D. "department" means the department of health;

15 E. "good Samaritan" means a person who lacks
16 automated external defibrillator training but who has access to
17 an automated external defibrillator and provides emergency
18 automated external defibrillator services to a person in
19 ~~[apparent cardiac arrest]~~ need of defibrillation, provided that
20 the good Samaritan:

21 (1) acts ~~[in good faith as an ordinary prudent~~
22 ~~person would have in the same or similar circumstances]~~ without
23 willful, wanton or reckless behavior that is the cause of
24 injury or death; and

25 (2) acts without compensation;

1 F. "person" means an individual, corporation,
 2 business trust, estate, trust, partnership, limited liability
 3 company, association, joint venture or any legal or commercial
 4 entity;

5 ~~[F. "physician" means a doctor of medicine or~~
 6 ~~doctor of osteopathy who is licensed or otherwise authorized to~~
 7 ~~practice medicine or osteopathic medicine in New Mexico]~~ and

8 G. "trained targeted responder" means a person
 9 trained in the use of an automated external defibrillator under
 10 emergency cardiac care guidelines."

11 SECTION 2. Section 24-10C-4 NMSA 1978 (being Laws 1999,
 12 Chapter 94, Section 4, as amended) is amended to read:

13 "24-10C-4. PROTECTION OF PUBLIC SAFETY.--A person ~~who~~
 14 that acquires an automated external defibrillator shall ensure
 15 that:

16 A. a ~~[physician medical director oversees]~~ trained
 17 targeted responder is designated to oversee all aspects of the
 18 automated external defibrillator program, including training,
 19 emergency medical services coordination, protocol approval and
 20 automated external defibrillator deployment strategies, and
 21 that the ~~[physician medical director]~~ trained targeted
 22 responder provides overall quality assurance and reviews each
 23 case in which the automated external defibrillator is used by
 24 the program;

25 B. the trained targeted ~~[responder receives]~~

.200059.1

1 responders receive appropriate training in cardiopulmonary
2 resuscitation and in the use of an automated external
3 defibrillator by a nationally recognized course in
4 cardiopulmonary response and automated external defibrillator
5 use approved by the department or other training programs
6 authorized by the department;

7 C. the defibrillator is maintained and tested
8 according to the manufacturer's guidelines;

9 D. any person ~~[who]~~ that renders emergency care or
10 treatment on a person in cardiac arrest by using an automated
11 external defibrillator activates the emergency medical system
12 as soon as possible and reports any clinical use of the
13 automated external defibrillator to the ~~[physician-medical~~
14 ~~director]~~ designated trained targeted responder;

15 E. the automated external defibrillator program is
16 registered with the department; and

17 F. the local emergency medical services and local
18 911 agencies have been notified of the automated external
19 defibrillator program."

20 SECTION 3. Section 24-10C-7 NMSA 1978 (being Laws 1999,
21 Chapter 94, Section 7, as amended) is amended to read:

22 "24-10C-7. LIMITED ~~[IMMUNITY]~~ LIABILITY PROTECTIONS.--

23 A. The following persons who render emergency care
24 or treatment by the use of an automated external defibrillator
25 pursuant to the provisions of the Cardiac Arrest Response Act

.200059.1

1 shall not be subject to civil liability, provided that they
 2 have acted with reasonable care and in compliance with the
 3 requirements of that act:

4 ~~[A.]~~ (1) a [physician] trained targeted
 5 responder who provides supervisory services pursuant to the
 6 Cardiac Arrest Response Act;

7 ~~[B.]~~ (2) a person [who] that provides training
 8 in cardiopulmonary resuscitation and use of automated external
 9 defibrillation;

10 ~~[C.]~~ (3) a person [who] that acquires,
 11 provides or makes available to the public an automated external
 12 defibrillator pursuant to the Cardiac Arrest Response Act;

13 ~~[D.]~~ (4) the owner, manager or operator of the
 14 property or facility where the automated external defibrillator
 15 is located;

16 (5) a person that authorizes, directs or
 17 supervises the installation or placement of an automated
 18 external defibrillator; and

19 ~~[E.]~~ (6) the trained targeted responder. ~~[and~~

20 ~~F. a good Samaritan.]~~

21 B. A good Samaritan who renders emergency care or
 22 treatment by the use of an automated external defibrillator
 23 pursuant to the provisions of the Cardiac Arrest Response Act
 24 shall not be subject to civil liability; provided that the good
 25 Samaritan has acted without willful, wanton or reckless

.200059.1

1 behavior that is the cause of injury or death and in compliance
2 with the requirements of that act."