

1999 ASSEMBLY BILL 239

1 **AN ACT** *to create* 146.50 (8g) and 895.48 (4) of the statutes; **relating to:**
2 limitations on and requirements for use of semiautomatic defibrillators by
3 individuals other than emergency medical technicians and first responders –
4 defibrillation, providing civil immunity for the use and requiring the
5 department of health and family services to review training courses for the use.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 146.50 (8g) of the statutes is created to read:
7 146.50 **(8g)** SPECIAL USE OF SEMIAUTOMATIC DEFIBRILLATORS. (a) In this
8 subsection:
9 1. “Cardiac arrest” means the sudden cessation of cardiac function and the
10 disappearance of arterial blood pressure that connote ventricular fibrillation or
11 pulseless ventricular tachycardia.

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1 2. “Pulseless ventricular tachycardia” means a disturbance in the normal
2 rhythm of the heart that is characterized by rapid electrical activity of the heart with
3 no cardiac output.

4 (b) Notwithstanding subs. (6g) (b) and (8) (e), a person other than an emergency
5 medical technician or a first responder – defibrillation may use a semiautomatic
6 defibrillator in rendering emergency care or treatment to an individual who appears
7 to be in cardiac arrest if the person has received training in a course that is approved
8 by the department under par. (d).

9 (c) A person who provides a semiautomatic defibrillator for use under par. (b)
10 shall do all of the following:

11 1. Provide written notification to the nearest emergency medical services
12 program under s. 146.55 (2). The notification shall include information as to the type
13 of the semiautomatic defibrillator, the location of the defibrillator on the premises of
14 the person, the intended usage area for the defibrillator and the owner of the
15 defibrillator.

16 2. Ensure that the semiautomatic defibrillator is maintained and tested in
17 accordance with any operational guidelines of the manufacturer.

18 (d) The department shall review training courses for the use of a semiautomatic
19 defibrillator under this subsection and may approve those training courses that
20 satisfy standards for approval that are specified by the department.

21 **SECTION 2.** 895.48 (4) of the statutes is created to read:

22 895.48 (4) (a) Any of the following who meets the applicable requirements of
23 s. 146.50 (8g) and who acts within the applicable limitations of s. 146.50 (8g) is
24 immune from civil liability for the acts or omissions of a person in rendering in good

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1 faith emergency care by use of a semiautomatic defibrillator under s. 146.50 (8g) to
2 an individual who appears to be in cardiac arrest:

3 1. The person who renders the care.

4 2. The owner of the semiautomatic defibrillator, as specified in s. 146.50 (8g)
5 (c).

6 3. The person who provides the semiautomatic defibrillator for use, as specified
7 in s. 146.50 (8g) (c).

8 4. The provider of training required under s. 146.50 (8g) (b).

9 (b) The immunity specified in par. (a) does not extend to any of the following:

10 1. A person whose act or omission resulting from the use or the provision for
11 use of the semiautomatic defibrillator constitutes gross negligence.

12 2. A health care professional who renders emergency care for compensation
13 and within the scope of his or her usual and customary employment or practice at
14 a hospital or other institution equipped with hospital facilities, at the scene of an
15 emergency or accident, enroute to a hospital or other institution equipped with
16 hospital facilities or at a physician's office.

17 (END)