

SENATE BILL 186 (LRB -2600)

An Act to amend 146.50 (8g) (title), 146.50 (8g) (b), 146.50 (8g) (c) (intro.), 146.50 (8g) (c) 1., 146.50 (8g) (c) 2., 146.50 (8g) (d), 895.48 (4) (a) (intro.), 895.48 (4) (a) 2., 895.48 (4) (a) 3. and 895.48 (4) (b) 1. of the statutes; relating to: providing immunity from civil liability for users, owners, and providers of automatic defibrillators for acts or omissions in rendering emergency care in good faith. (FE)

2005

11-08. S. Introduced by Senators Leibham, Lassa, Roessler, Olsen, Cowles, A. Lasee, Stepp, Grothman, Erpenbach, Robson, Darling, Brown, Harsdorf and Kedzie; cosponsored by Representatives Wasserman, Montgomery, Gronemus, Ainsworth, Musser, Vos, Gielow, Ott, Townsend, Nass, Kestell, Hahn, Davis, Petrowski, Albers, Vrakas, Van Akkeren, Hines, Lothian, Van Roy, Loeffelholz, F. Lasee, Freese, Berceau, Lehman, Pocan, Pope-Roberts, Pridemore, Sheridan, Staskunas and Turner.
04-27. S. Read first time and referred to committee on Judiciary, Corrections and Privacy 186
05-13. S. Fiscal estimate received.
06-09. S. Public hearing held.
11-01. S. Executive action taken.
11-07. S. Report passage recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0 437
11-07. S. Available for scheduling.
11-08. S. Placed on calendar 11-9-2005 by committee on Senate Organization.
11-09. S. Read a second time 448
11-09. S. Ordered to a third reading 448
11-09. S. Rules suspended 448
11-09. S. Read a third time and passed 448
11-09. S. Senator Hansen added as a coauthor 445
11-09. S. Ordered immediately messaged 451
11-14. A. Received from Senate 618
11-14. A. Read first time and referred to committee on Judiciary 619

2006

01-30. A. Assembly substitute amendment 1 offered by Representative Wasserman (LRB s0418) 764
04-06. A. Public hearing held.
04-13. A. Assembly substitute amendment 2 offered by Representative Wasserman (LRB s0688) 1013
04-20. A. Executive action taken.
04-24. A. Report Assembly Substitute Amendment 2 adoption recommended by committee on Judiciary, Ayes 7, Noes 0 1028
04-24. A. Report concurrence as amended recommended by committee on Judiciary, Ayes 7, Noes 0 1028
04-24. A. Referred to committee on Rules 1028
04-25. A. Placed on calendar 4-27-2006 by committee on Rules.
04-27. A. Read a second time 1064
04-27. A. Assembly substitute amendment 2 adopted 1064
04-27. A. Ordered to a third reading 1064
04-27. A. Rules suspended 1064
04-27. A. Read a third time and concurred in as amended 1064
04-27. A. Ordered immediately messaged 1064
04-28. S. Received from Assembly amended and concurred in as amended, Assembly substitute amendment 2 adopted.
04-28. S. Available for scheduling.
05-02. S. Placed on calendar 5-3-2006 by committee on Senate Organization.
05-03. S. Assembly substitute amendment 2 concurred in.
05-03. S. Action ordered immediately messaged.

Handwritten initials 'JN' in the bottom right corner.

**2005
ENROLLED BILL**

05en S B- 186

ADOPTED DOCUMENTS:

Orig Engr

A SubAmdt 2

05 50688 / 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic

Substituting the term automated external
defibrillator for the terms automatic defibrillator
and semi automatic defibrillator

5-9-06

Date

J. R. Buller

Enrolling Drafter

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2005 SENATE BILL 186**

April 13, 2006 – Offered by Representative WASSERMAN.

1 **AN ACT** *to repeal* 146.50 (1) (cm), 146.50 (1) (o), 146.50 (6g) (b) 1., 146.50 (6g) (b)
2 2. and 146.50 (8g); *to renumber and amend* 895.48 (4) (a); *to amend* 146.50
3 (1) (im) 3., 146.50 (8) (e), 895.48 (4) (b) (intro.) and 895.48 (4) (b) 1.; and *to create*
4 146.50 (1) (cr), 146.50 (6g) (b) 2m. and 895.48 (4) (ag) of the statutes; **relating**
5 **to:** substituting the term automated external defibrillator for the terms
6 automatic defibrillator and semiautomatic defibrillator; and providing
7 immunity from civil liability for users, owners, and providers of automated
8 external defibrillators for acts or omissions in rendering emergency care in good
9 faith.

Analysis by the Legislative Reference Bureau

Under current law, certain persons who are not emergency medical technicians or first responders—defibrillation, but who have received training in a course that is approved by the Department of Health and Family Services (DHFS), may use semiautomatic defibrillators in rendering emergency care or treatment to others who appear to be in cardiac arrest. A semiautomatic defibrillator is a heart monitor

and defibrillator that is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, determining whether defibrillation should be performed, charging, and, upon the operator's command, delivering an electrical impulse to an individual's heart. A person who provides a semiautomatic defibrillator for this use must provide written notice and certain information to the nearest emergency services program and must ensure that the semiautomatic defibrillator is maintained and tested in accordance with the manufacturer's guidelines. If these requirements are complied with, the users, owners, and providers of semiautomatic defibrillators are immune from civil liability for acts or omissions in rendering emergency care in good faith and without gross negligence. In addition, DHFS certifies qualified applicants for the performance of defibrillation by use of an automatic defibrillator (a heart monitor and defibrillator that, after determining that defibrillation should be performed and charging, automatically delivers an electrical impulse to an individual's heart), a semiautomatic defibrillator, or a manual defibrillator.

This substitute amendment substitutes the term "automated external defibrillator" for the terms "automatic defibrillator" and "semiautomatic defibrillator" in the provisions relating to the performance of defibrillation. An automated external defibrillator has the capacity for use either as a semiautomatic defibrillator or as an automatic defibrillator. The substitute amendment eliminates requirements of training in a DHFS-approved course for persons who are not emergency medical technicians or first responders — defibrillation and who use automated external defibrillators in rendering emergency care or treatment to others who appear to be in cardiac arrest. The substitute amendment also eliminates the requirement that the person who provides the defibrillator for use provide written notification to the nearest emergency medical services program. The substitute amendment continues to provide immunity from civil liability, without the requirement, for acts or omissions of the person in rendering, in good faith and without gross negligence, emergency care by use of an automated external defibrillator and to the owner and provider of the defibrillator, except that this immunity for the provider applies only if the provider ensures that the automated external defibrillator is maintained and tested in accordance with any operational guidelines of the manufacturer. The substitute amendment also provides immunity from civil liability for any person who provides training in the use of an automated external defibrillator to the person who renders care.

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

- 1 **SECTION 1.** 146.50 (1) (cm) of the statutes is repealed.
- 2 **SECTION 2.** 146.50 (1) (cr) of the statutes is created to read:

1 146.50 (1) (cr) “Automated external defibrillator” means a defibrillator device
2 to which all of the following apply:

3 1. It is approved for commercial distribution by the federal food and drug
4 administration.

5 2. It is capable of recognizing the presence or absence of ventricular fibrillation
6 or rapid ventricular tachycardia and of determining without intervention by the user
7 of the device whether defibrillation should be performed.

8 3. After having determined that defibrillation should be performed, it is
9 capable, either at the command of an operator or without intervention by an operator,
10 of delivering an electrical shock to an individual.

11 **SECTION 3.** 146.50 (1) (im) 3. of the statutes is amended to read:

12 146.50 (1) (im) 3. In the case of a defibrillator that may be operated ~~in either~~
13 ~~an automatic or a manual mode~~ as a manual defibrillator or as an automated
14 external defibrillator, is set to operate ~~in the manual mode~~ as a manual defibrillator.

15 **SECTION 4.** 146.50 (1) (o) of the statutes is repealed.

16 **SECTION 5.** 146.50 (6g) (b) 1. of the statutes is repealed.

17 **SECTION 6.** 146.50 (6g) (b) 2. of the statutes is repealed.

18 **SECTION 7.** 146.50 (6g) (b) 2m. of the statutes is created to read:

19 146.50 (6g) (b) 2m. An automated external defibrillator.

20 **SECTION 8.** 146.50 (8) (e) of the statutes is amended to read:

21 146.50 (8) (e) A certified first responder is authorized to use an ~~automatic or~~
22 ~~semiautomatic~~ automated external defibrillator, as prescribed for first responders in
23 rules promulgated by the department. The rules shall set forth authorization for the
24 use of an ~~automatic defibrillator, a semiautomatic~~ automated external defibrillator
25 or, for a defibrillator that may be operated in more than one mode, use ~~in the~~

1 ~~automatic or semiautomatic mode~~ as an automated external defibrillator only. A
2 certified first responder is also authorized to employ other techniques, including the
3 administration of nonvisualized advanced airways, and the administration of
4 medications that are specified by the department by rule. In promulgating the rules
5 under this paragraph, the department shall consult with the state medical director
6 for emergency medical services and the emergency medical services board. The rule
7 shall include those techniques that are specified in the most current guidelines
8 issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3
9 (a) (5).

10 **SECTION 9.** 146.50 (8g) of the statutes is repealed.

11 **SECTION 10.** 895.48 (4) (a) of the statutes is renumbered 895.48 (4) (am), and
12 895.48 (4) (am) (intro.), 2., 3. and 4., as renumbered, are amended to read:

13 895.48 (4) (am) (intro.) Any of the following ~~who meets the applicable~~
14 ~~requirements of s. 146.50 (8g) and who acts within the applicable limitations of s.~~
15 ~~146.50 (8g), other than an emergency medical technician or a first responder —~~
16 defibrillation, is immune from civil liability for the acts or omissions of a person in
17 rendering in good faith emergency care by use of ~~a semiautomatic~~ an automated
18 external defibrillator under ~~s. 146.50 (8g)~~ to an individual who appears to be in
19 cardiac arrest:

20 2. The owner of the ~~semiautomatic~~ automated external defibrillator, ~~as~~
21 ~~specified in s. 146.50 (8g) (c).~~

22 3. The person who provides the ~~semiautomatic~~ automated external
23 defibrillator for use, ~~as specified in s. 146.50 (8g) (c)~~ if the person ensures that the
24 automated external defibrillator is maintained and tested in accordance with any
25 operational guidelines of the manufacturer.

