



2005 ASSEMBLY BILL 306

April 12, 2005 - Introduced by Representatives WASSERMAN, FREESE, MUSSER, TOWNSEND, AINSWORTH, ALBERS, BERCEAU, HAHN, LEHMAN, LOEFFELHOLZ, OTT, POCAN, POPE-ROBERTS, PRIDEMORE, SHERIDAN, STASKUNAS and TURNER, cosponsored by Senators LEIBHAM, ROBSON, DARLING, BROWN, ERPENBACH, GROTHMAN, HARS DORF, KEDZIE and ROESSLER. Referred to Committee on Judiciary.

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

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This bill provides to users, owners, and providers of automatic defibrillators the same immunity from civil liability for acts or omissions in rendering emergency care in good faith that exists for users, owners, and providers of semiautomatic defibrillators if the requirements similar to those under current law for providing notice and information, maintaining and testing the automatic defibrillators, and receipt of training are met. (An automatic defibrillator is similar to a semiautomatic defibrillator, except that it either automatically delivers an electrical impulse to an individual's heart or charges and delivers the electrical impulse upon the operator's command.)

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 146.50 (8g) (title) of the statutes is amended to read:

2 146.50 **(8g)** (title) SPECIAL USE OF AUTOMATIC AND SEMIAUTOMATIC DEFIBRILLATORS.

3 **SECTION 2.** 146.50 (8g) (b) of the statutes is amended to read:

4 146.50 **(8g)** (b) Notwithstanding subs. (6g) (b) and (8) (e), a person other than
5 an emergency medical technician or a first responder – defibrillation may use an
6 automatic defibrillator or a semiautomatic defibrillator in rendering emergency care
7 or treatment to an individual who appears to be in cardiac arrest if the person has
8 received training in a course that is approved by the department under par. (d).

9 **SECTION 3.** 146.50 (8g) (c) (intro.) of the statutes is amended to read:

10 146.50 **(8g)** (c) (intro.) A person who provides an automatic defibrillator or a
11 semiautomatic defibrillator for use under par. (b) shall do all of the following:

12 **SECTION 4.** 146.50 (8g) (c) 1. of the statutes is amended to read:

13 146.50 **(8g)** (c) 1. Provide written notification to the nearest emergency medical
14 services program under s. 146.55 (2). The notification shall include information as
15 to the type of the automatic defibrillator or semiautomatic defibrillator, the location

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1 of the defibrillator on the premises of the person, the intended usage area for the
2 defibrillator and the owner of the defibrillator.

3 **SECTION 5.** 146.50 (8g) (c) 2. of the statutes is amended to read:

4 146.50 (8g) (c) 2. Ensure that the automatic defibrillator or semiautomatic
5 defibrillator is maintained and tested in accordance with any operational guidelines
6 of the manufacturer.

7 **SECTION 6.** 146.50 (8g) (d) of the statutes is amended to read:

8 146.50 (8g) (d) The department shall review training courses for the use of an
9 automatic defibrillator or a semiautomatic defibrillator under this subsection and
10 may approve those training courses that satisfy standards for approval that are
11 specified by the department.

12 **SECTION 7.** 895.48 (4) (a) (intro.) of the statutes is amended to read:

13 895.48 (4) (a) (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) is immune from civil liability for the acts or omissions of a person in
16 rendering in good faith emergency care by use of an automatic defibrillator or a
17 semiautomatic defibrillator under s. 146.50 (8g) to an individual who appears to be
18 in cardiac arrest:

19 **SECTION 8.** 895.48 (4) (a) 2. of the statutes is amended to read:

20 895.48 (4) (a) 2. The owner of the automatic defibrillator or semiautomatic
21 defibrillator, as specified in s. 146.50 (8g) (c).

22 **SECTION 9.** 895.48 (4) (a) 3. of the statutes is amended to read:

23 895.48 (4) (a) 3. The person who provides the automatic defibrillator or
24 semiautomatic defibrillator for use, as specified in s. 146.50 (8g) (c).

25 **SECTION 10.** 895.48 (4) (b) 1. of the statutes is amended to read:

