Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2348
(Senators Heckaman, Erbele)
(Representatives Mock, Nathe, Oversen)

AN ACT to amend and reenact section 32-03.1-02.3 of the North Dakota Century Code, relating to training in the use of automated external defibrillators.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-03.1-02.3 of the North Dakota Century Code is amended and reenacted as follows:

32-03.1-02.3. Automated external defibrillators - Requirements.

1. Except for a medical services facility or prehospital emergency medical services provider, every person who acquires an automated external defibrillator shall:

   a. Require every individual expected to use the automated external defibrillator to receive ~~American heart association or American red cross~~ training in the most recent nationally recognized course in cardiopulmonary resuscitation and automated external defibrillator use ~~or an equivalent nationally recognized course in cardiopulmonary resuscitation and automated external defibrillator use.~~;

   b. Maintain and test the automated external defibrillator according to the manufacturer's operational guidelines~~.~~;

   c. Establish an automated external defibrillator use protocol that provides any person who provides emergency care or treatment to an individual in cardiac arrest by using the automated external defibrillator shall contact, as soon as possible, an appropriate health care provider or emergency medical services provider~~.~~; and

   d. Consider recommendations of a licensed physician in establishing the training, notification, and maintenance requirements of this subsection.

2. Any person who in good faith and without compensation provides emergency care or emergency treatment by using an automated external defibrillator is immune from civil liability for any personal injury resulting from the emergency care or emergency treatment and for any act or failure to act in providing or arranging further medical treatment if the person providing the emergency care or emergency treatment acted as an ordinary, reasonable, prudent person would act under the same or similar circumstances. This subsection does not apply if a personal injury results from the gross negligence or from the willful or wanton misconduct of the person providing the emergency care or emergency treatment.

3. The immunity provision of subsection 2 applies to a licensed physician under subdivision d of subsection 1, the person who provides the training under subdivision a of subsection 1, and the person responsible for the site on which the automated external defibrillator is located.

4. This section does not limit civil liability protection provided by any other law.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2348.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 78	Nays 14	Absent 2

Secretary of the Senate

Received by the Governor at 8:41 M. on April 10, 2015.

Approved at 3:13 P. M. on April 13, 2015.

Governor

Filed in this office this 13 day of April, 2015,

at 4:37 o'clock P M.

Secretary of State