

P.L.2012, CHAPTER 6, *approved May 2, 2012*

Senate, No. 852

1 AN ACT concerning the acquisition and use of automated external
2 defibrillators, and amending P.L.1999, c.34, P.L.2005, c.346,
3 and P.L.2004, c.93.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 1 of P.L.1999, c.34 (C.2A:62A-23) is amended to
9 read as follows:

10 1. The Legislature finds that **[more]**:

11 a. More than 350,000 Americans die annually from out-of-
12 hospital sudden cardiac arrest. Many die needlessly because life
13 saving defibrillators are not immediately available. The American
14 Heart Association estimates that almost 100,000 deaths could be
15 prevented each year if defibrillators were more widely available **[to**
16 designated responders.

17 Many communities in this State have invested in 911 emergency
18 telephone equipment, ambulances and the training of emergency
19 personnel. Not all emergency personnel, however, have been
20 trained in or have immediate access to defibrillators. **]**:

21 b. Due to technological advances, automated external
22 defibrillators may be used by lay persons without any training to
23 provide defibrillation within the first minutes of cardiac arrest to
24 victims, thereby increasing the victims' chances of survival; and

25 c. It is the intent of the Legislature to encourage greater
26 acquisition, deployment, and use of automated external
27 defibrillators **[by trained personnel]** throughout this State by
28 expanding immunity from civil liability of persons who acquire
29 automated external defibrillators and by granting immunity from
30 civil liability to lay persons who use them in good faith in
31 emergency situations.

32 (cf: P.L.1999, c.34, s.1)

33

34 2. Section 3 of P.L.1999, c.34 (C.2A:62A-25) is amended to
35 read as follows:

36 3. A person or entity that acquires an automated external
37 defibrillator shall:

38 a. Ensure that any person, who is anticipated by the person or
39 entity that acquires the defibrillator to be in a position to render
40 emergency care or treatment by the use of a defibrillator in the
41 performance of that person's duties of employment or volunteer
42 service, shall, prior to using that defibrillator, **[has]** have

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 successfully completed and **【holds】** hold a current certification
2 from the American Red Cross, American Heart Association, or
3 other training program recognized by the Department of Health and
4 Senior Services in cardio-pulmonary resuscitation and use of a
5 defibrillator; however, a person or entity that acquires a defibrillator
6 shall not be liable for any act or omission of any lay person who
7 uses the defibrillator in the rendering of emergency care;

8 b. Ensure that the defibrillator is maintained and tested
9 according to the manufacturer's operational guidelines;

10 c. Notify the appropriate first aid, ambulance, or rescue squad,
11 or other appropriate emergency medical services provider that the
12 person or entity has acquired the defibrillator, the type acquired,
13 and its location; and

14 d. Prior to purchasing the automated external defibrillator,
15 provide the prescribing licensed physician with documentation that
16 the person or entity purchasing the defibrillator has a protocol in
17 place to comply with the requirements of subsections a., b., and c.
18 of this section.

19 (cf: P.L.1999, c.34, s.3)

20
21 3. Section 4 of P.L.1999, c.34 (C.2A:62A-26) is amended to
22 read as follows:

23 4. a. **【A person shall not use a defibrillator unless he has**
24 **successfully completed and holds a current certification from the**
25 **American Red Cross, American Heart Association or other training**
26 **program recognized by the Department of Health and Senior**
27 **Services in cardio-pulmonary resuscitation and use of a**
28 **defibrillator; provided however, this section shall not be applicable**
29 **to a person who is licensed as a paramedic, emergency medical**
30 **technician-D, or a first responder-D by the Department of Health**
31 **and Senior Services.】** (Deleted by amendment, P.L. _____, c. _____)
32 (pending before the Legislature as this bill)

33 b. Any person who uses a defibrillator shall request emergency
34 medical assistance from the appropriate first aid, ambulance, or
35 rescue squad as soon as practicable; however, a lay person who, in
36 good faith, fails to request emergency medical assistance pursuant
37 to this subsection shall be immune from civil liability for any
38 personal injury that results from that failure.

39 (cf: P.L.1999, c.34, s.4)

40
41 4. Section 5 of P.L.1999, c.34 (C.2A:62A-27) is amended to
42 read as follows:

43 5. a. (1) Any person or entity who, in good faith, acquires or
44 provides a defibrillator, renders emergency care or treatment by the
45 use of a defibrillator **【or】**, assists in or supervises **【such】** the
46 emergency care or treatment by the use of a defibrillator, or
47 attempts to use a defibrillator for the purpose of rendering

1 emergency care or treatment, and[,] who has complied with the
2 requirements of this act, shall be immune from civil liability for any
3 personal injury as a result of **[such]** that care or treatment, or as a
4 result of any acts or omissions by the person or entity in providing,
5 rendering, assisting in, or supervising the emergency care or
6 treatment.

7 (2) A person or entity providing or maintaining an automated
8 external defibrillator shall not be liable for any act or omission
9 involving the use of a defibrillator in the rendering of emergency
10 care by a lay person.

11 b. The immunity provided in subsection a. of this section shall
12 include the prescribing licensed physician and the person or entity
13 who provided **[the]** training in cardio-pulmonary resuscitation and
14 use of the defibrillator.

15 c. This subsection shall not immunize a person for any act of
16 gross negligence or willful or wanton misconduct. It shall not be
17 considered gross negligence or willful or wanton misconduct to fail
18 to use a defibrillator in the absence of an otherwise preexisting duty
19 to do so.

20 (cf: P.L.1999, c.34, s.5)

21

22 5. Section 2 of P.L.2005, c.346 (C.2A:62A-31) is amended to
23 read as follows:

24 2. No later than one year after the effective date of this act:

25 a. The owner or operator of a health club registered with the
26 Director of the Division of Consumer Affairs in the Department of
27 Law and Public Safety pursuant to P.L.1987, c.238 (C.56:8-39 et
28 seq.) shall:

29 (1) acquire at least one automated external defibrillator as
30 defined in section 2 of P.L.1999, c.34 (C.2A:62A-24), and store it
31 in an accessible location within the health club that is known and
32 available to the employees of the health club for the purposes of this
33 act; and

34 (2) ensure that the automated external defibrillator is tested and
35 maintained, and provide notification to the appropriate first aid,
36 ambulance, or rescue squad, or other appropriate emergency
37 medical services provider regarding the defibrillator, the type
38 acquired, and its location, pursuant to section 3 of P.L.1999, c.34
39 (C.2A:62A-25); and

40 b. The owner or operator of a health club that is subject to the
41 provisions of subsection a. of this section shall:

42 (1) arrange and pay for training in cardio-pulmonary
43 resuscitation and the use of an automated external defibrillator for
44 the employees of that health club in accordance with the provisions
45 of **[section 3 of P.L.1999, c.34 (C.2A:62A-25)]** paragraph (2) of
46 this subsection;

1 (2) ensure that the health club has at least one employee on site
2 during its normal business hours who **【is trained in cardio-**
3 **pulmonary resuscitation and the use of an automated external**
4 **defibrillator in accordance with the provisions of section 3 of**
5 **P.L.1999, c.34 (C.2A:62A-25)】 holds current certification from the**
6 **American Red Cross, American Heart Association, or other training**
7 **program recognized by the Department of Health and Senior**
8 **Services in cardio-pulmonary resuscitation and use of a**
9 **defibrillator; and**

10 (3) ensure that **【the employees of that health club comply with**
11 **the provisions of section 4 of P.L.1999, c.34 (C.2A:62A-26)**
12 **concerning the use of the automated external defibrillator】 an**
13 **employee who uses a defibrillator requests emergency medical**
14 **assistance from the appropriate first aid, ambulance, or rescue**
15 **squad as soon as practicable.**

16 (cf: P.L. 2005, c.346, s.2)

17

18 6. Section 1 of P.L.2004, c.93 (C.26:2H-12.26) is amended to
19 read as follows:

20 1. A nursing home that is licensed pursuant to P.L.1971, c.136
21 (C.26:2H-1 et al.) shall, no later than one year after the effective
22 date of P.L.2004, c.93 (C.26:2H-12.26), and an assisted living
23 facility that is licensed pursuant to P.L.1971, c.136 shall, no later
24 than one year after the effective date of P.L.2009, c.46:

25 a. acquire at least one defibrillator as defined in section 2 of
26 P.L.1999, c.34 (C.2A:62A-24), which shall be maintained in a
27 central location within the nursing home or assisted living facility
28 that shall be made known and available to the employees of the
29 nursing home or assisted living facility for the purposes of this act;

30 b. ensure that the defibrillator is tested and maintained, and
31 provide notification to the appropriate first aid, ambulance, or
32 rescue squad, or other appropriate emergency medical services
33 provider regarding the defibrillator, the type acquired, and its
34 location, pursuant to section 3 of P.L.1999, c.34 (C.2A:62A-25);

35 c. arrange and pay for training in cardio-pulmonary
36 resuscitation and the use of a defibrillator for employees of the
37 nursing home or assisted living facility **【in accordance with the**
38 **provisions of section 3 of P.L.1999, c.34 (C.2A:62A-25)】 to ensure**
39 **that the employees hold current certification from the American**
40 **Red Cross, American Heart Association, or other training program**
41 **recognized by the Department of Health and Senior Services in**
42 **cardio-pulmonary resuscitation and use of a defibrillator; and**

43 d. ensure that **【the employees of the nursing home or assisted**
44 **living facility comply with the provisions of section 4 of P.L.1999,**
45 **c.34 (C.2A:62A-26) concerning the use of the defibrillator】 an**
46 **employee who uses a defibrillator requests emergency medical**

1 assistance from the appropriate first aid, ambulance, or rescue
2 squad as soon as practicable.

3 (cf: P.L.2009, c.46, s.1)

4

5 7. This act shall take effect immediately.

6

7

8

9

10 Provides immunity from civil liability to certain individuals who
11 acquire or use an automated external defibrillator.