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SENATE BILL 189

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO HEALTH; LIMITING LIABILITY FOR A GOOD SAMARITAN WHO
COMES TO THE AID OF A PERSON IN NEED OF DEFIBRILLATION;
AMENDING A SECTION OF THE CARDIAC ARREST RESPONSE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-10C-3 NMSA 1978 (being Laws 1999,
Chapter 94, Section 3, as amended) is amended to read:

"24-10C-3. DEFINITIONS.--As used in the Cardiac Arrest
Response Act:

A. "automated external defibrillator" means a
medical device heart monitor and defibrillator that:

(1) has received approval of its premarket
modification filed pursuant to 21 U.S.C. 360(k), from the
United States food and drug administration;

(2) is capable of recognizing cardiac arrest

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 that will respond to defibrillation, ventricular fibrillation
2 or rapid ventricular tachycardia, and is capable of determining
3 whether defibrillation should be performed; and

4 (3) upon determining that defibrillation
5 should be performed, automatically charges and is capable of
6 delivering an electrical impulse to an individual's heart;

7 B. "automated external defibrillator program" means
8 a program of trained targeted responders registered with the
9 department and operating under the supervision of a physician
10 medical director;

11 C. "defibrillation" means the administration of a
12 controlled electrical charge to the heart to restore a viable
13 cardiac rhythm;

14 D. "department" means the department of health;

15 E. "good Samaritan" means a person who lacks
16 automated external defibrillator training but who has access to
17 an automated external defibrillator and provides emergency
18 automated external defibrillator services to a person in
19 ~~[apparent cardiac arrest]~~ need of defibrillation, provided that
20 the good Samaritan:

21 (1) acts ~~[in good faith as an ordinary prudent~~
22 ~~person would have in the same or similar circumstances]~~ without
23 gross negligence that is the proximate cause of injury or
24 death; and

25 (2) acts without compensation;

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underscored material = new
[bracketed material] = delete

1 F. "person" means an individual, corporation,
2 business trust, estate, trust, partnership, limited liability
3 company, association, joint venture or any legal or commercial
4 entity;

5 [F-] G. "physician" means a doctor of medicine or
6 doctor of osteopathy who is licensed or otherwise authorized to
7 practice medicine or osteopathic medicine in New Mexico; and

8 [G-] H. "trained targeted responder" means a person
9 trained in the use of an automated external defibrillator under
10 emergency cardiac care guidelines."

11 **SECTION 2.** Section 24-10C-7 NMSA 1978 (being Laws 1999,
12 Chapter 94, Section 7, as amended) is amended to read:

13 "24-10C-7. LIMITED [IMMUNITY] LIABILITY PROTECTIONS.--The
14 following persons who render emergency care or treatment by the
15 use of an automated external defibrillator pursuant to the
16 provisions of the Cardiac Arrest Response Act shall not be
17 subject to civil liability, provided that they have acted [with
18 reasonable care] without gross negligence that is the proximate
19 cause of injury or death and in compliance with the
20 requirements of that act:

21 A. a physician who provides supervisory services
22 pursuant to the Cardiac Arrest Response Act;

23 B. a person [who] that provides training in
24 cardiopulmonary resuscitation and use of automated external
25 defibrillation;

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