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AN ACT

RELATING TO HEALTH; LIMITING LIABILITY FOR A GOOD SAMARITAN WHO COMES TO THE AID OF A PERSON IN NEED OF DEFIBRILLATION; AMENDING SECTIONS 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 that will respond to defibrillation, ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining whether defibrillation should be performed; and

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

B. "automated external defibrillator program" means a program of trained targeted responders registered with the department;

1 C. "defibrillation" means the administration of a
2 controlled electrical charge to the heart to restore a viable
3 cardiac rhythm;

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

5 E. "good Samaritan" means a person who lacks
6 automated external defibrillator training but who has access
7 to an automated external defibrillator and provides emergency
8 automated external defibrillator services to a person in need
9 of defibrillation, provided that the good Samaritan:

10 (1) acts without willful, wanton or reckless
11 behavior that is the cause of injury or death; and

12 (2) acts without compensation;

13 F. "person" means an individual, corporation,
14 business trust, estate, trust, partnership, limited liability
15 company, association, joint venture or any legal or
16 commercial entity; and

17 G. "trained targeted responder" means a person
18 trained in the use of an automated external defibrillator
19 under emergency cardiac care guidelines."

20 SECTION 2. Section 24-10C-4 NMSA 1978 (being Laws 1999,
21 Chapter 94, Section 4, as amended) is amended to read:

22 "24-10C-4. PROTECTION OF PUBLIC SAFETY.--A person that
23 acquires an automated external defibrillator shall ensure
24 that:

25 A. a trained targeted responder is designated to

1 oversee all aspects of the automated external defibrillator
2 program, including training, emergency medical services
3 coordination, protocol approval and automated external
4 defibrillator deployment strategies, and that the trained
5 targeted responder provides overall quality assurance and
6 reviews each case in which the automated external
7 defibrillator is used by the program;

8 B. the trained targeted responders receive
9 appropriate training in cardiopulmonary resuscitation and in
10 the use of an automated external defibrillator by a
11 nationally recognized course in cardiopulmonary response and
12 automated external defibrillator use approved by the
13 department or other training programs authorized by the
14 department;

15 C. the defibrillator is maintained and tested
16 according to the manufacturer's guidelines;

17 D. any person that renders emergency care or
18 treatment on a person in cardiac arrest by using an automated
19 external defibrillator activates the emergency medical system
20 as soon as possible and reports any clinical use of the
21 automated external defibrillator to the designated trained
22 targeted responder;

23 E. the automated external defibrillator program is
24 registered with the department; and

25 F. the local emergency medical services and local

1 911 agencies have been notified of the automated external
2 defibrillator program."

3 SECTION 3. Section 24-10C-7 NMSA 1978 (being Laws 1999,
4 Chapter 94, Section 7, as amended) is amended to read:

5 "24-10C-7. LIMITED LIABILITY PROTECTIONS.--

6 A. The following persons who render emergency care
7 or treatment by the use of an automated external
8 defibrillator pursuant to the provisions of the Cardiac
9 Arrest Response Act shall not be subject to civil liability,
10 provided that they have acted with reasonable care and in
11 compliance with the requirements of that act:

12 (1) a trained targeted responder who
13 provides supervisory services pursuant to the Cardiac Arrest
14 Response Act;

15 (2) a person that provides training in
16 cardiopulmonary resuscitation and use of automated external
17 defibrillation;

18 (3) a person that acquires, provides or
19 makes available to the public an automated external
20 defibrillator pursuant to the Cardiac Arrest Response Act;

21 (4) the owner, manager or operator of the
22 property or facility where the automated external
23 defibrillator is located;

24 (5) a person that authorizes, directs or
25 supervises the installation or placement of an automated

1 external defibrillator; and

2 (6) the trained targeted responder.

3 B. A good Samaritan who renders emergency care or
4 treatment by the use of an automated external defibrillator
5 pursuant to the provisions of the Cardiac Arrest Response Act
6 shall not be subject to civil liability; provided that the
7 good Samaritan has acted without willful, wanton or reckless
8 behavior that is the cause of injury or death and in
9 compliance with the requirements of that act." _____

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