

# LEGISLATIVE HISTORY CHECKLIST

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## *LAWS of 1999*

**CHAPTER:** 34

**NJSA:**2A:62A-23 to 2A:62A-27

(Defibrillators--emergency medical services--training, supervision, liability)

**BILL NO:** A2321(Substituted for S1456 - 1<sup>st</sup> Reprint)

**SPONSOR(S):** Vandervalk and Russo

**DATE INTRODUCED:**July 27, 1998

**COMMITTEE:**

*ASSEMBLY:* Health

*SENATE:*---

**AMENDED DURING PASSAGE:**Yes

**DATES OF PASSAGE:**

*ASSEMBLY:*January 28, 1999

*SENATE:* January 28, 1999

**DATE OF APPROVAL:**March 8, 1999

**THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

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**FINAL TEXT OF BILL:** *YES*2<sup>nd</sup> Reprint

(Amendments during passage denoted by superscript numbers)

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**A1435**

**SPONSORS STATEMENT:** *Yes* (Begins on page 3 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:***Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** (2) *Yes*

**October 29, 1998**

**November 23, 1998**

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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## S1456

**SPONSORS STATEMENT:** *Yes (Begins on page 3 of original bill)*

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**1<sup>st</sup> Reprint (last version):** *Yes*

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### GOVERNOR'S ACTIONS

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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### THE FOLLOWING WERE PRINTED:

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

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P.L. 1999, CHAPTER 34, *approved March 8, 1999*  
Assembly, No. 2321 (*Second Reprint*)

1 **AN ACT** concerning certain emergency medical services and  
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds that more than 350,000 Americans die  
8 annually from out-of-hospital sudden cardiac arrest. Many die  
9 needlessly because life saving defibrillators are not immediately  
10 available. The American Heart Association estimates that almost  
11 100,000 deaths could be prevented each year if defibrillators were  
12 more widely available to designated responders.

13 Many communities in this State have invested in 911 emergency  
14 telephone equipment, ambulances and the training of emergency  
15 personnel. Not all emergency personnel, however, have been trained  
16 in or have immediate access to defibrillators. It is the intent of the  
17 Legislature to encourage greater acquisition, deployment and use of  
18 automated external defibrillators by trained personnel throughout this  
19 State.

20

21 2. As used in this act:

22 "Automated external defibrillator" or "defibrillator" means a  
23 medical device heart monitor and defibrillator that:

24 a. Has received approval of its pre-market notification filed  
25 pursuant to 21 U.S.C. §360 (k) from the United States Food and Drug  
26 Administration;

27 b. Is capable of recognizing the presence or absence of ventricular  
28 fibrillation or rapid ventricular tachycardia, and is capable of  
29 determining, without intervention by an operator, whether  
30 defibrillation should be performed; and

31 c. Upon determining that defibrillation should be performed,  
32 automatically charges and requests delivery of an electrical impulse to  
33 an individual's heart.

34

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

37 a. Ensure that any person, prior to using that defibrillator, has  
38 successfully completed <sup>1</sup>**[a nationally recognized training program]**

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> **Assembly floor amendments adopted October 29, 1998.**

<sup>2</sup> **Assembly floor amendments adopted November 23, 1998.**

- 1 and holds a current certification from the American Red Cross,  
2 American Heart Association or other training program recognized by  
3 the Department of Health and Senior Services<sup>1</sup> in cardio-pulmonary  
4 resuscitation and use of a defibrillator;
- 5 b. Ensure that the defibrillator is maintained and tested according  
6 to the manufacturer's operational guidelines;
- 7 c. <sup>1</sup>**[Provide for supervision of persons using the defibrillator by a**  
8 **licensed physician to ensure compliance with the requirements of this**  
9 **section; and**
- 10 **d.]**<sup>1</sup> Notify the appropriate first aid, ambulance or rescue squad or  
11 other appropriate emergency medical services provider that the person  
12 or entity has acquired the defibrillator, the type acquired and its  
13 location<sup>1</sup>; and
- 14 d. Prior to purchasing the automated external defibrillator, provide  
15 the prescribing licensed physician with documentation that the person  
16 or entity purchasing the defibrillator has a protocol in place to comply  
17 with the requirements of subsections a., b. and c. of this section<sup>1</sup> .  
18
- 19 4. a. A person shall not use a defibrillator unless he has  
20 successfully completed <sup>1</sup>**[a nationally recognized training program]**  
21 and holds a current certification from the American Red Cross,  
22 American Heart Association or other training program recognized by  
23 the Department of Health and Senior Services<sup>1</sup> in cardio-pulmonary  
24 resuscitation and use of a defibrillator; provided however, this section  
25 shall not be applicable to a person who is licensed as a paramedic,  
26 emergency medical technician-D, or a first responder-D by the  
27 Department of Health.
- 28 b. Any person who uses a defibrillator shall request emergency  
29 medical assistance from the appropriate first aid, ambulance or rescue  
30 squad as soon as practicable.
- 31 <sup>1</sup>**[c. Any person who uses a defibrillator shall report the use of that**  
32 **device to the supervising licensed physician appointed pursuant to**  
33 **subsection c. of section 3 of this act.]**<sup>1</sup>  
34
- 35 5. a. Any person or entity who, in good faith, acquires or provides  
36 a defibrillator, renders emergency care or treatment by the use of a  
37 defibrillator or supervises such care or treatment and, who has  
38 complied with the requirements of this act, shall be immune from civil  
39 liability for any personal injury as a result of such care or treatment,  
40 or as a result of any <sup>1</sup>**[act or failure to act in providing or arranging**  
41 **further medical] acts or omissions by the person or entity in providing,**  
42 rendering or supervising the emergency care or<sup>1</sup> treatment.
- 43 b. The immunity provided in subsection a. of this section shall  
44 include the <sup>1</sup>**[supervising licensed physician and the]**<sup>1</sup> <sup>2</sup>prescribing  
45 licensed physician and the<sup>2</sup> person or entity who provided the training  
46 in cardio-pulmonary resuscitation and use of the defibrillator.

1 c. This subsection shall not immunize a person for any act of gross  
2 negligence or willful or wanton misconduct. <sup>1</sup>It shall not be considered  
3 gross negligence or willful or wanton misconduct to fail to use a  
4 defibrillator in the absence of an otherwise preexisting duty to do so.<sup>1</sup>

5

6 6. This act shall take effect immediately.

7

8

9

10

11 Establishes requirements and immunity from civil liability for certain  
12 persons who use defibrillators.

# ASSEMBLY, No. 2321

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JULY 27, 1998

**Sponsored by:**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**Assemblyman DAVID C. RUSSO**

**District 40 (Bergen and Passaic)**

**Co-Sponsored by:**

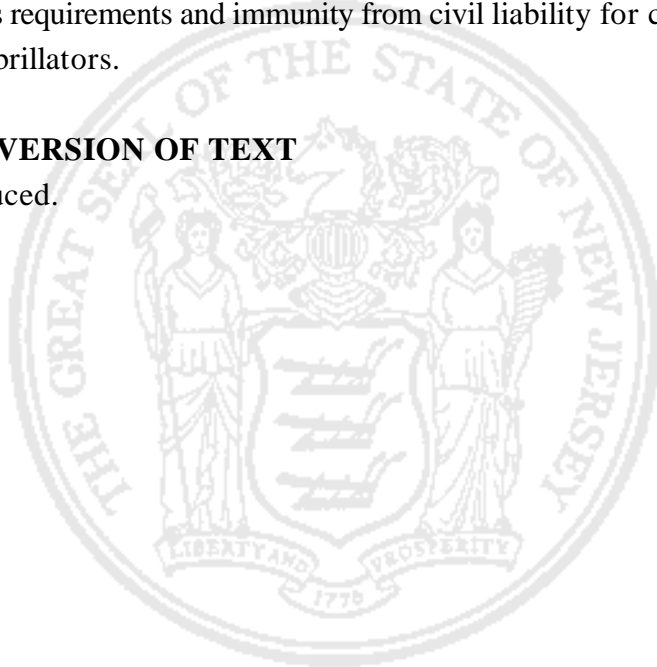
**Assemblymen Felice, Blee, Assemblywoman Crecco, Assemblyman Thompson, Assemblywoman Wright, Assemblymen Conaway, Bateman, Holzapfel, Wolfe, Zecker, Zisa, Augustine, Azzolina, Garrett, Luongo, Merkt and R.Smith**

**SYNOPSIS**

Establishes requirements and immunity from civil liability for certain persons who use defibrillators.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 10/30/1998)

1 AN ACT concerning certain emergency medical services and  
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds that more than 350,000 Americans die  
8 annually from out-of-hospital sudden cardiac arrest. Many die  
9 needlessly because life saving defibrillators are not immediately  
10 available. The American Heart Association estimates that almost  
11 100,000 deaths could be prevented each year if defibrillators were  
12 more widely available to designated responders.

13 Many communities in this State have invested in 911 emergency  
14 telephone equipment, ambulances and the training of emergency  
15 personnel. Not all emergency personnel, however, have been trained  
16 in or have immediate access to defibrillators. It is the intent of the  
17 Legislature to encourage greater acquisition, deployment and use of  
18 automated external defibrillators by trained personnel throughout this  
19 State.

20

21 2. As used in this act:

22 "Automated external defibrillator" or "defibrillator" means a  
23 medical device heart monitor and defibrillator that:

24 a. Has received approval of its pre-market notification filed  
25 pursuant to 21 U.S.C. §360 (k) from the United States Food and Drug  
26 Administration;

27 b. Is capable of recognizing the presence or absence of ventricular  
28 fibrillation or rapid ventricular tachycardia, and is capable of  
29 determining, without intervention by an operator, whether  
30 defibrillation should be performed; and

31 c. Upon determining that defibrillation should be performed,  
32 automatically charges and requests delivery of an electrical impulse to  
33 an individual's heart.

34

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

37 a. Ensure that any person, prior to using that defibrillator, has  
38 successfully completed a nationally recognized training program in  
39 cardio-pulmonary resuscitation and use of a defibrillator;

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

42 c. Provide for supervision of persons using the defibrillator by a  
43 licensed physician to ensure compliance with the requirements of this  
44 section; and

45 d. Notify the appropriate first aid, ambulance or rescue squad or

1 other appropriate emergency medical services provider that the person  
2 or entity has acquired the defibrillator, the type acquired and its  
3 location.

4  
5 4. a. A person shall not use a defibrillator unless he has  
6 successfully completed a nationally recognized training program in  
7 cardio-pulmonary resuscitation and use of a defibrillator; provided  
8 however, this section shall not be applicable to a person who is  
9 licensed as a paramedic, emergency medical technician-D, or a first  
10 responder-D by the Department of Health.

11 b. Any person who uses a defibrillator shall request emergency  
12 medical assistance from the appropriate first aid, ambulance or rescue  
13 squad as soon as practicable.

14 c. Any person who uses a defibrillator shall report the use of that  
15 device to the supervising licensed physician appointed pursuant to  
16 subsection c. of section 3 of this act.

17  
18 5. a. Any person or entity who, in good faith, acquires or provides  
19 a defibrillator, renders emergency care or treatment by the use of a  
20 defibrillator or supervises such care or treatment and, who has  
21 complied with the requirements of this act, shall be immune from civil  
22 liability for any personal injury as a result of such care or treatment,  
23 or as a result of any act or failure to act in providing or arranging  
24 further medical treatment.

25 b. The immunity provided in subsection a. of this section shall  
26 include the supervising licensed physician and the person or entity who  
27 provided the training in cardio-pulmonary resuscitation and use of the  
28 defibrillator.

29 c. This subsection shall not immunize a person for any act of gross  
30 negligence or willful or wanton misconduct.

31  
32 6. This act shall take effect immediately.

33  
34  
35 STATEMENT

36  
37 The purpose of this bill is to encourage greater acquisition,  
38 deployment and use of automated external defibrillators by trained  
39 personnel throughout this State.

40 The American Heart Association estimates that almost 100,000  
41 deaths could be prevented annually if defibrillators were more widely  
42 available to designated responders. Many communities in this State  
43 have invested in 911 emergency telephone equipment, ambulances and  
44 the training of emergency personnel. Not all emergency personnel,  
45 however, have been trained in or have immediate access to  
46 defibrillators.



1       The bill defines an "automated external defibrillator" as a medical  
2 device heart monitor and defibrillator that (1) has received approval of  
3 its pre-market notification filed pursuant to 21 U.S.C. §360 (k) from  
4 the United States Food and Drug Administration; (2) is capable of  
5 recognizing the presence or absence of ventricular fibrillation or rapid  
6 ventricular tachycardia, and is capable of determining, without  
7 intervention by an operator, whether defibrillation should be  
8 performed; and (3) upon determining that defibrillation should be  
9 performed, automatically charges and requests delivery of an electrical  
10 impulse to an individual's heart.

11       The bill requires a person or entity that acquires an automated  
12 external defibrillator to (1) ensure that any person, prior to using that  
13 defibrillator, has successfully completed a nationally recognized  
14 training program in cardio-pulmonary resuscitation and use of a  
15 defibrillator; (2) ensure that the defibrillator is maintained and tested  
16 according to the manufacturer's operational guidelines; (3) provide for  
17 supervision of persons using the defibrillator by a licensed physician  
18 to ensure compliance with the requirements of this section; and (4)  
19 notify the appropriate first aid, ambulance or rescue squad or other  
20 appropriate emergency medical services provider that the person or  
21 entity has acquired the defibrillator, the type acquired and its location.

22       The bill provides that a person shall not use a defibrillator unless he  
23 has successfully completed a nationally recognized training program,  
24 such as the American Heart Association program, in cardio-pulmonary  
25 resuscitation and use of a defibrillator. This requirement is not  
26 applicable to a person who is licensed as a paramedic, emergency  
27 medical technician-D, or a first responder-D by the Department of  
28 Health.

29       Under the bill's provisions, any person who uses a defibrillator must  
30 request emergency medical assistance from the appropriate first aid,  
31 ambulance or rescue squad or other appropriate emergency medical  
32 services provider as soon as practicable. The person also must report  
33 use of the device to the supervising licensed physician

34       The bill also provides for immunity from civil liability for a person  
35 who complies with its provisions. Any person or entity who has  
36 complied with the requirements of the bill and who, in good faith,  
37 acquires or provides a defibrillator, renders emergency care or  
38 treatment by the use of a defibrillator or supervises such emergency  
39 care or treatment would be immune from civil liability for any personal  
40 injury as a result of such care or treatment, or as a result of any act or  
41 failure to act in providing or arranging further medical treatment. The  
42 immunity includes the supervising licensed physician and the person or  
43 entity who provided the training in cardio-pulmonary resuscitation and  
44 use of the defibrillator. The bill does not, however, immunize a person  
45 for any act of gross negligence or willful or wanton misconduct.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2321

# STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1998

The Assembly Health Committee reports favorably Assembly Bill No. 2321.

This bill is intended to encourage greater acquisition, deployment and use of automated external defibrillators by trained personnel throughout this State.

The bill defines an "automated external defibrillator" as a medical device heart monitor and defibrillator that: (1) has received approval of its pre-market notification filed pursuant to 21 U.S.C. §360 (k) from the United States Food and Drug Administration; (2) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and (3) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

The bill requires a person or entity that acquires an automated external defibrillator to: (1) ensure that any person, prior to using that defibrillator, has successfully completed a nationally recognized training program in cardio-pulmonary resuscitation and use of a defibrillator; (2) ensure that the defibrillator is maintained and tested according to the manufacturer's operational guidelines; (3) provide for supervision of persons using the defibrillator by a licensed physician to ensure compliance with the requirements of the bill; and (4) notify the appropriate first aid, ambulance or rescue squad or other appropriate emergency medical services provider that the person or entity has acquired the defibrillator, the type acquired and its location.

The bill provides that a person shall not use a defibrillator unless the person has successfully completed a nationally recognized training program, such as the American Heart Association program, in cardio-pulmonary resuscitation and use of a defibrillator. This requirement is not applicable to a person who is licensed as a paramedic, emergency medical technician-D, or a first responder-D by the Department of Health and Senior Services.

The bill requires that a person who uses a defibrillator request emergency medical assistance from the appropriate first aid, ambulance or rescue squad or other appropriate emergency medical services provider as soon as practicable. The person also must report use of

the device to the supervising licensed physician.

The bill also provides for immunity from civil liability for a person who complies with its provisions. Any person or entity who has complied with the requirements of the bill and who, in good faith, acquires or provides a defibrillator, renders emergency care or treatment by the use of a defibrillator or supervises such emergency care or treatment would be immune from civil liability for any personal injury as a result of such care or treatment, or as a result of any act or failure to act in providing or arranging further medical treatment. The immunity includes the supervising licensed physician and the person or entity who provided the training in cardio-pulmonary resuscitation and use of the defibrillator. The bill does not, however, immunize a person for any act of gross negligence or willful or wanton misconduct.

STATEMENT TO  
**ASSEMBLY, No. 2321**

with Assembly Floor Amendments  
(Proposed By Assemblywoman VANDERVALK)

ADOPTED: OCTOBER 29, 1998

These amendments:

- provide that a person shall not use a defibrillator unless he has successfully completed and holds a current certification from the American Red Cross, American Heart Association or other training program recognized by the Department of Health and Senior Services;
- delete the requirement that a person who uses an automated external defibrillator pursuant to this bill be supervised by a licensed physician and provide, instead, that the person or entity acquiring an automated external defibrillator shall, prior to its purchase, provide the prescribing licensed physician with documentation that the person or entity has a protocol in place to comply with the requirements of the bill (since physician approval is required for the purchase of a defibrillator under federal law);
- extend the civil immunity provided by this bill to any person or entity who, in good faith, acquires or provides a defibrillator, renders emergency care or treatment by the use of a defibrillator or supervises such care or treatment and, who has complied with the requirements of this bill, to acts or omissions by the person or entity in providing, rendering or supervising the emergency care or treatment; and
- stipulate that it shall not be considered gross negligence or willful or wanton misconduct, which would exempt a person or entity from the immunity from civil liability provided by this bill, to fail to use a defibrillator in the absence of an otherwise preexisting duty to do so.

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2321**

with Assembly Floor Amendments  
(Proposed By Assemblywoman VANDERVALK)

ADOPTED: NOVEMBER 23, 1998

These amendments extend the immunity from civil liability provided under this bill to a licensed physician who prescribes the use of an automated external defibrillator (which physician approval is required for the purchase of a defibrillator under federal law).

**SENATE, No. 1456**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED OCTOBER 19, 1998

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senators Vitale and Adler**

**SYNOPSIS**

Establishes requirements and immunity from civil liability for certain persons who use defibrillators.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/24/1998)**

1 AN ACT concerning certain emergency medical services and  
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds that more than 350,000 Americans die  
8 annually from out-of-hospital sudden cardiac arrest. Many die  
9 needlessly because life saving defibrillators are not immediately  
10 available. The American Heart Association estimates that almost  
11 100,000 deaths could be prevented each year if defibrillators were  
12 more widely available to designated responders.

13 Many communities in this State have invested in 911 emergency  
14 telephone equipment, ambulances and the training of emergency  
15 personnel. Not all emergency personnel, however, have been trained  
16 in or have immediate access to defibrillators. It is the intent of the  
17 Legislature to encourage greater acquisition, deployment and use of  
18 automated external defibrillators by trained personnel throughout this  
19 State.

20

21 2. As used in this act:

22 "Automated external defibrillator" or "defibrillator" means a  
23 medical device heart monitor and defibrillator that:

24 a. Has received approval of its pre-market notification filed  
25 pursuant to 21 U.S.C. §360 (k) from the United States Food and Drug  
26 Administration;

27 b. Is capable of recognizing the presence or absence of ventricular  
28 fibrillation or rapid ventricular tachycardia, and is capable of  
29 determining, without intervention by an operator, whether  
30 defibrillation should be performed; and

31 c. Upon determining that defibrillation should be performed,  
32 automatically charges and requests delivery of an electrical impulse to  
33 an individual's heart.

34

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

37 a. Ensure that any person, prior to using that defibrillator, has  
38 successfully completed and holds a current certification from the  
39 American Red Cross, American Heart Association or other training  
40 program recognized by the Department of Health and Senior Services  
41 in cardio-pulmonary resuscitation and use of a defibrillator;

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

44 c. Notify the appropriate first aid, ambulance or rescue squad or  
45 other appropriate emergency medical services provider that the person

1 or entity has acquired the defibrillator, the type acquired and its  
2 location; and

3 d. Provide for supervision of persons using the defibrillator by a  
4 licensed physician. The physician shall be responsible for ensuring that  
5 the person or entity complies with the requirements of subsections a.,  
6 b. and c. of this section.

7  
8 4. a. A person shall not use a defibrillator unless he has  
9 successfully completed and holds a current certification from the  
10 American Red Cross, American Heart Association or other training  
11 program recognized by the Department of Health and Senior Services  
12 in cardio-pulmonary resuscitation and use of a defibrillator; provided  
13 however, this section shall not be applicable to a person who is  
14 licensed as a paramedic, emergency medical technician-D, or a first  
15 responder-D by the Department of Health.

16 b. Any person who uses a defibrillator shall request emergency  
17 medical assistance from the appropriate first aid, ambulance or rescue  
18 squad as soon as practicable.

19 c. Any person who uses a defibrillator shall report the use of that  
20 device to the supervising licensed physician appointed pursuant to  
21 subsection c. of section 3 of this act.

22  
23 5. a. Any person or entity who, in good faith, acquires or provides  
24 a defibrillator, renders emergency care or treatment by the use of a  
25 defibrillator or supervises such care or treatment and, who has  
26 complied with the requirements of this act, shall be immune from civil  
27 liability for any personal injury as a result of such care or treatment,  
28 or as a result of any acts or omissions by the person or entity in  
29 providing, rendering or supervising the emergency care or treatment.

30 b. The immunity provided in subsection a. of this section shall  
31 include the supervising licensed physician and the person or entity who  
32 provided the training in cardio-pulmonary resuscitation and use of the  
33 defibrillator.

34 c. This subsection shall not immunize a person for any act of gross  
35 negligence or willful or wanton misconduct.

36  
37 6. This act shall take effect immediately.

38

39

40 STATEMENT

41

42 The purpose of this bill is to encourage greater acquisition,  
43 deployment and use of automated external defibrillators by trained  
44 personnel throughout this State.

45 The American Heart Association estimates that almost 100,000  
46 deaths could be prevented annually if defibrillators were more widely



1 available to designated responders. Many communities in this State  
2 have invested in 911 emergency telephone equipment, ambulances and  
3 the training of emergency personnel. Not all emergency personnel,  
4 however, have been trained in or have immediate access to  
5 defibrillators.

6 The bill defines an "automated external defibrillator" as a medical  
7 device heart monitor and defibrillator that (1) has received approval of  
8 its pre-market notification filed pursuant to 21 U.S.C. §360 (k) from  
9 the United States Food and Drug Administration; (2) is capable of  
10 recognizing the presence or absence of ventricular fibrillation or rapid  
11 ventricular tachycardia, and is capable of determining, without  
12 intervention by an operator, whether defibrillation should be  
13 performed; and (3) upon determining that defibrillation should be  
14 performed, automatically charges and requests delivery of an electrical  
15 impulse to an individual's heart.

16 The bill requires a person or entity that acquires an automated  
17 external defibrillator to (1) ensure that any person, prior to using that  
18 defibrillator, has successfully completed and holds a current  
19 certification from the American Red Cross, American Heart  
20 Association or other training program recognized by the Department  
21 of Health and Senior Services in cardio-pulmonary resuscitation and  
22 use of a defibrillator; (2) ensure that the defibrillator is maintained and  
23 tested according to the manufacturer's operational guidelines; (3)  
24 notify the appropriate first aid, ambulance or rescue squad or other  
25 appropriate emergency medical services provider that the person or  
26 entity has acquired the defibrillator, the type acquired and its location;  
27 and (4) provide for supervision of persons using the defibrillator by a  
28 licensed physician who shall be responsible for ensuring compliance  
29 with these requirements.

30 The bill provides that a person shall not use a defibrillator unless he  
31 has successfully completed and holds a current certification from the  
32 American Red Cross, American Heart Association or other training  
33 program recognized by the Department of Health and Senior Services  
34 in cardio-pulmonary resuscitation and use of a defibrillator. This  
35 requirement is not applicable to a person who is licensed as a  
36 paramedic, emergency medical technician-D, or a first responder-D by  
37 the Department of Health.

38 Under the bill's provisions, any person who uses a defibrillator must  
39 request emergency medical assistance from the appropriate first aid,  
40 ambulance or rescue squad or other appropriate emergency medical  
41 services provider as soon as practicable. The person also must report  
42 use of the device to the supervising licensed physician

43 The bill also provides for immunity from civil liability for a person  
44 who complies with its provisions. Any person or entity who has  
45 complied with the requirements of the bill and who, in good faith,  
46 acquires or provides a defibrillator, renders emergency care or

**S1456 SINGER, SINAGRA**

5

1 treatment by the use of a defibrillator or supervises such emergency  
2 care or treatment would be immune from civil liability for any personal  
3 injury as a result of such care or treatment, or as a result of any acts  
4 or omissions by the person or entity in providing, rendering or  
5 supervising the emergency care or treatment. The immunity includes  
6 the supervising licensed physician and the person or entity who  
7 provided the training in cardio-pulmonary resuscitation and use of the  
8 defibrillator. The bill does not, however, immunize a person for any  
9 act of gross negligence or willful or wanton misconduct.

# SENATE HEALTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 1456**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 23, 1998

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 1456.

As amended by committee, this bill would encourage greater acquisition, deployment and use of automated external defibrillators by trained and certified personnel throughout this State by establishing requirements and immunity from civil liability for certain persons who use automated external defibrillators.

Specifically, the bill defines an "automated external defibrillator" as a medical device heart monitor and defibrillator that (1) has received approval of its pre-market notification filed pursuant to 21 U.S.C. §360 (k) from the United States Food and Drug Administration; (2) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and (3) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

The bill requires a person or entity that acquires an automated external defibrillator to (1) ensure that any person, prior to using that defibrillator, has successfully completed and holds a current certification from the American Red Cross, American Heart Association or other training program recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and use of a defibrillator; (2) ensure that the defibrillator is maintained and tested according to the manufacturer's operational guidelines; (3) notify the appropriate first aid, ambulance or rescue squad or other appropriate emergency medical services provider that the person or entity has acquired the defibrillator, the type acquired and its location; and (4) prior to purchasing the defibrillator, provide the prescribing licensed physician with documentation that the person or entity purchasing the defibrillator has a protocol in place to comply with the above requirements.

The bill further provides that a person shall not use a defibrillator unless he has successfully completed and holds a current certification

from the American Red Cross, American Heart Association or other training program recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and use of a defibrillator. This requirement is not applicable to a person who is licensed as a paramedic, emergency medical technician-D, or a first responder-D by the department.

Also, under the bill's provisions, any person who uses a defibrillator must request emergency medical assistance from the appropriate first aid, ambulance or rescue squad or other appropriate emergency medical services provider as soon as practicable.

The bill also provides for immunity from civil liability for a person who complies with the bill's provisions. Specifically, any person or entity who has complied with the requirements of the bill and who, in good faith, acquires or provides a defibrillator, renders emergency care or treatment by the use of a defibrillator or supervises such emergency care or treatment would be immune from civil liability for any personal injury as a result of the care or treatment or any acts or omissions by the person or entity in providing, rendering or supervising the emergency care or treatment. Immunity is also extended to the prescribing licensed physician and the person or entity who provided the training in cardio-pulmonary resuscitation and use of the defibrillator. The bill does not immunize a person for any act of gross negligence or willful or wanton misconduct; however, the bill provides that it shall not be considered gross negligence or willful or wanton misconduct to fail to use a defibrillator in the absence of an otherwise preexisting duty to do so.

The committee amended the bill: (1) to delete the requirement that a person who uses an automated external defibrillator pursuant to this bill be supervised by a licensed physician and to provide, instead, that the person or entity acquiring an automated external defibrillator shall, prior to its purchase, provide the prescribing licensed physician with documentation that the person or entity has a protocol in place to comply with the requirements of the bill (since physician approval is required for the purchase of a defibrillator under federal law); (2) to clarify that the immunity provisions of the bill include the prescribing licensed physician; and (3) to stipulate that it shall not be considered gross negligence or willful or wanton misconduct, which would exempt a person or entity from the immunity from civil liability provided by this bill, to fail to use a defibrillator in the absence of an otherwise preexisting duty to do so.

As amended by committee, this bill is similar to Assembly Bill No. 2321(1R)(Vandervalk/Russo), which is pending before the General Assembly.

[First Reprint]

**SENATE, No. 1456**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED OCTOBER 19, 1998

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Co-Sponsored by:**

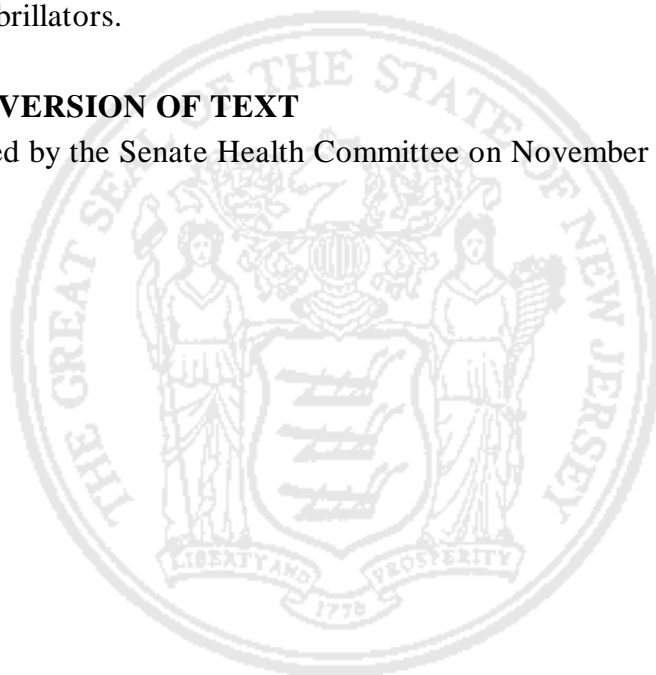
**Senators Vitale and Adler**

**SYNOPSIS**

Establishes requirements and immunity from civil liability for certain persons who use defibrillators.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health Committee on November 23, 1998, with amendments.



**(Sponsorship Updated As Of: 11/24/1998)**

1 AN ACT concerning certain emergency medical services and  
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds that more than 350,000 Americans die  
8 annually from out-of-hospital sudden cardiac arrest. Many die  
9 needlessly because life saving defibrillators are not immediately  
10 available. The American Heart Association estimates that almost  
11 100,000 deaths could be prevented each year if defibrillators were  
12 more widely available to designated responders.

13 Many communities in this State have invested in 911 emergency  
14 telephone equipment, ambulances and the training of emergency  
15 personnel. Not all emergency personnel, however, have been trained  
16 in or have immediate access to defibrillators. It is the intent of the  
17 Legislature to encourage greater acquisition, deployment and use of  
18 automated external defibrillators by trained personnel throughout this  
19 State.

20

21 2. As used in this act:

22 "Automated external defibrillator" or "defibrillator" means a  
23 medical device heart monitor and defibrillator that:

24 a. Has received approval of its pre-market notification filed  
25 pursuant to 21 U.S.C. §360 (k) from the United States Food and Drug  
26 Administration;

27 b. Is capable of recognizing the presence or absence of ventricular  
28 fibrillation or rapid ventricular tachycardia, and is capable of  
29 determining, without intervention by an operator, whether  
30 defibrillation should be performed; and

31 c. Upon determining that defibrillation should be performed,  
32 automatically charges and requests delivery of an electrical impulse to  
33 an individual's heart.

34

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

37 a. Ensure that any person, prior to using that defibrillator, has  
38 successfully completed and holds a current certification from the  
39 American Red Cross, American Heart Association or other training  
40 program recognized by the Department of Health and Senior Services  
41 in cardio-pulmonary resuscitation and use of a defibrillator;

42 b. Ensure that the defibrillator is maintained and tested according

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SHH committee amendments adopted November 23, 1998.**

1 to the manufacturer's operational guidelines;

2 c. Notify the appropriate first aid, ambulance or rescue squad or  
3 other appropriate emergency medical services provider that the person  
4 or entity has acquired the defibrillator, the type acquired and its  
5 location; and

6 d. <sup>1</sup>Provide for supervision of persons using the defibrillator by a  
7 licensed physician. The physician shall be responsible for ensuring that  
8 the person or entity complies with the requirements of subsections a.,  
9 b. and c. of this section. <sup>1</sup>Prior to purchasing the automated external  
10 defibrillator, provide the prescribing licensed physician with  
11 documentation that the person or entity purchasing the defibrillator has  
12 a protocol in place to comply with the requirements of subsections a.,  
13 b. and c. of this section.<sup>1</sup>

14

15 4. a. A person shall not use a defibrillator unless he has  
16 successfully completed and holds a current certification from the  
17 American Red Cross, American Heart Association or other training  
18 program recognized by the Department of Health and Senior Services  
19 in cardio-pulmonary resuscitation and use of a defibrillator; provided  
20 however, this section shall not be applicable to a person who is  
21 licensed as a paramedic, emergency medical technician-D, or a first  
22 responder-D by the Department of Health.

23 b. Any person who uses a defibrillator shall request emergency  
24 medical assistance from the appropriate first aid, ambulance or rescue  
25 squad as soon as practicable.

26 <sup>1</sup>c. Any person who uses a defibrillator shall report the use of that  
27 device to the supervising licensed physician appointed pursuant to  
28 subsection c. of section 3 of this act.<sup>1</sup>

29

30 5. a. Any person or entity who, in good faith, acquires or provides  
31 a defibrillator, renders emergency care or treatment by the use of a  
32 defibrillator or supervises such care or treatment and, who has  
33 complied with the requirements of this act, shall be immune from civil  
34 liability for any personal injury as a result of such care or treatment,  
35 or as a result of any acts or omissions by the person or entity in  
36 providing, rendering or supervising the emergency care or treatment.

37 b. The immunity provided in subsection a. of this section shall  
38 include the <sup>1</sup>supervising <sup>1</sup>prescribing licensed physician and the  
39 person or entity who provided the training in cardio-pulmonary  
40 resuscitation and use of the defibrillator.

41 c. This subsection shall not immunize a person for any act of gross  
42 negligence or willful or wanton misconduct. <sup>1</sup>It shall not be considered  
43 gross negligence or willful or wanton misconduct to fail to use a  
44 defibrillator in the absence of an otherwise preexisting duty to do so.<sup>1</sup>

45

46 6. This act shall take effect immediately.

*Office of the Governor*  
**NEWS RELEASE**

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TRENTON, NJ 08625

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RELEASE: March 8, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**A-2321**, sponsored by Assembly Members Charlotte Vandervalk (R-Bergen) and David C. Russo (R-Bergen) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Jack Sinagra (R-Middlesex), establishes requirements and immunity from civil liability for certain persons who use defibrillators. Intended to promote the greater acquisition and use of automated external defibrillators by trained personnel, the bill grants civil immunity to trained operators of defibrillators and to entities that purchase or acquire the devices. In order to receive the immunity a person must hold a current certification from the American Red Cross, the American Heart Association, or any other training program recognized by the state Department of Health and Senior Services. In order for an entity to receive the immunity it must maintain and test the device and ensure that the local first aid squad is notified that the entity has the device upon its premises. Prior to purchasing the defibrillator, the entity must also provide the prescribing licensed physician with documentation that it has a protocol in place to comply with the bill's requirements. Licensed physicians who prescribe the use of these devices are also extended immunity under the bill. Acts of gross negligence and willful or wanton misconduct are not granted immunity.