

1-1

AN ACT

1-2 relating to automated external defibrillator devices.  
1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Subtitle B, Title 9, Health and Safety Code, is  
1-5 amended by adding Chapter 779 to read as follows:

1-6 CHAPTER 779. AUTOMATED EXTERNAL DEFIBRILLATORS

1-7 Sec. 779.001. DEFINITION. In this chapter, "automated  
1-8 external defibrillator" means a heart monitor and  
defibrillator

1-9 that:

1-10 (1) has received approval from the United States  
Food  
1-11 and Drug Administration of its premarket notification filed  
under  
1-12 21 U.S.C. Section 360(k), as amended;

1-13 (2) is capable of recognizing the presence or  
absence  
1-14 of ventricular fibrillation or rapid ventricular tachycardia  
and is  
1-15 capable of determining, without interpretation of cardiac  
rhythm by

1-16 an operator, whether defibrillation should be performed; and  
1-17 (3) on determining that defibrillation should be  
1-18 performed, automatically charges and requests delivery of an  
1-19 electrical impulse to an individual's heart.

1-20 Sec. 779.002. TRAINING. (a) A person or entity that  
1-21 acquires an automated external defibrillator shall ensure  
that:

1-22 (1) each user of the automated external  
defibrillator  
1-23 receives training given or approved by the Texas Department of  
1-24 Health in:

2-1 (A) cardiopulmonary resuscitation; and  
2-2 (B) use of the automated external

defibrillator;

2-3 and

2-4 (2) a licensed physician is involved in the  
training  
2-5 program to ensure compliance with the requirements of this  
chapter.

2-6 (b) The Texas Department of Health shall adopt rules  
2-7 establishing the minimum requirements for the training  
required by

2-8 this section. In adopting rules under this section, the Texas  
2-9 Department of Health shall consider the guidelines for  
automated

2-10 external defibrillator training approved by the American Heart  
2-11 Association, the American Red Cross, or another nationally  
2-12 recognized association.

2-13 Sec. 779.003. MAINTENANCE OF AUTOMATED EXTERNAL  
2-14 DEFIBRILLATOR. A person or entity that owns or leases an  
automated

2-15 external defibrillator shall maintain and test the automated  
2-16 external defibrillator according to the manufacturer's  
guidelines.

2-17 Sec. 779.004. USING AN AUTOMATED EXTERNAL  
DEFIBRILLATOR. A

2-18 person or entity that provides emergency care to a person in  
2-19 cardiac arrest by using an automated external defibrillator  
shall

2-20 promptly notify the local emergency medical services provider.

2-21 Sec. 779.005. NOTIFYING LOCAL EMERGENCY MEDICAL  
SERVICES

2-22 PROVIDER. When a person or entity acquires an automated  
external

2-23 defibrillator, the person or entity shall notify the local  
2-24 emergency medical services provider of the existence,  
location, and

2-25 type of automated external defibrillator.

2-26 Sec. 779.006. LIABILITY EXEMPTION. The prescribing  
2-27 physician who authorizes the acquisition of an automated  
external

3-1 defibrillator in accordance with this chapter, a person or  
entity

3-2 that provides approved training in the use of an automated  
3-3 external defibrillator in accordance with this chapter, and  
the

3-4 person or entity that acquires the automated external  
defibrillator

3-5 and meets the requirements of this chapter are not liable for  
civil

3-6 damages for such prescription, training, or acquisition unless  
the

3-7 conduct is wilfully or wantonly negligent. Any person or  
entity

3-8 that acquires an automated external defibrillator and  
negligently

3-9 fails to comply with the requirements of this chapter is  
liable for

3-10 civil damages caused by such negligence.

3-11 Sec. 779.007. POSSESSION OF AUTOMATED EXTERNAL  
3-12 DEFIBRILLATORS. Each person or entity, other than a licensed  
3-13 practitioner, that acquires an automated external  
defibrillator

3-14 shall ensure that:

3-15 (1) the automated external defibrillator has been  
3-16 delivered to that person or entity by a licensed practitioner  
in

3-17 the course of his professional practice or upon a prescription  
or

3-18 other order lawfully issued in the course of his professional  
3-19 practice; or

3-20 (2) if the automated external defibrillator is  
3-21 acquired for the purpose of sale or lease, the person or  
entity

3-22 shall be in conformance with the applicable requirements found  
in

3-23 Section 483.041, Health and Safety Code.

3-24 Sec. 779.008. HOSPITAL EXEMPTION. This chapter shall  
not

3-25 apply to hospitals licensed under Chapter 241, Health and  
Safety

3-26 Code.  
3-27 SECTION 2. Section 74.001(a), Civil Practice and  
Remedies  
4-1 Code, is amended to read as follows:  
4-2 (a) A person who in good faith administers emergency  
care,  
4-3 including using an automated external defibrillator, at the  
scene  
4-4 of an emergency but not in a hospital or other health care  
facility  
4-5 or means of medical transport is not liable in civil damages  
for an  
4-6 act performed during the emergency unless the act is wilfully  
or  
4-7 wantonly negligent.  
4-8 SECTION 3. This Act takes effect September 1, 1999, and  
4-9 applies to a person or entity that possesses an automated  
external  
4-10 defibrillator on the effective date of this Act or acquires an  
4-11 automated external defibrillator on or after that date.  
4-12 SECTION 4. The importance of this legislation and the  
4-13 crowded condition of the calendars in both houses create an  
4-14 emergency and an imperative public necessity that the  
4-15 constitutional rule requiring bills to be read on three  
several  
4-16 days in each house be suspended, and this rule is hereby  
suspended.

\_\_\_\_\_  
President of the Senate Speaker of the House  
I certify that H.B. No. 580 was passed by the House on  
April 13, 1999, by a non-record vote; and that the House concurred  
in  
Senate amendments to H.B. No. 580 on May 26, 1999, by a non-  
record  
vote.

\_\_\_\_\_  
House Chief Clerk of the  
I certify that H.B. No. 580 was passed by the Senate,  
with  
amendments, on May 21, 1999, by a viva-voce vote.

\_\_\_\_\_  
Senate Secretary of the

APPROVED: \_\_\_\_\_  
Date  
\_\_\_\_\_  
Governor