

By: Eissler

H.B. No. 1946

A BILL TO BE ENTITLED

AN ACT

relating to automatic external defibrillators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 779.005, Health and Safety Code, is amended to read as follows:

Sec. 779.005. NOTIFYING 9-1-1 SERVICE ANSWERING POINT
~~[LOCAL EMERGENCY MEDICAL SERVICES PROVIDER]~~. (a) When a person or entity acquires an automated external defibrillator, the person or entity shall notify the public safety answering point that answers 9-1-1 emergency calls for the area in which the defibrillator is located ~~[local emergency medical services provider]~~ of the existence and precise~~[7]~~ location~~[7, and type]~~ of the automated external defibrillator.

(b) A person or entity shall notify the public safety answering point if the person or entity changes the location of or removes any automated external defibrillator.

(c) A person or entity shall provide the notification under Subsection (a) or (b) not later than the 30th day after the date the person or entity acquires, changes the location of, or removes an automated external defibrillator.

(d) A public safety answering point shall develop and implement a system to receive, record, and update the information in Subsections (a) and (b).

(e) If a person calls a public safety answering point to

1 report a potential cardiac arrest emergency, the answering point
2 shall tell the caller the location nearest to the caller of an
3 automated external defibrillator.

4 SECTION 2. Subchapter D, Chapter 33, Education Code, is
5 amended by adding Section 33.088 to read as follows:

6 Sec. 33.088. AVAILABILITY OF AUTOMATED EXTERNAL
7 DEFIBRILLATOR. (a) Each school district shall make available a
8 sufficient number of automated external defibrillators, as defined
9 by Section 779.001, Health and Safety Code, to reasonably cover
10 each area of the campus of each school in the district.

11 (b) A school district shall ensure that information
12 regarding the purpose and locations on campus of automated external
13 defibrillators is reasonably available to each employee and
14 student.

15 (c) A school district shall store an automated external
16 defibrillator in a location from which the defibrillator may be
17 quickly and easily accessed.

18 (d) A school district shall post a conspicuous sign near
19 each automated external defibrillator that indicates the presence
20 and location of the defibrillator.

21 SECTION 3. Section 779.006, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 779.006. LIMITATION ON LIABILITY [EXEMPTION]. (a)
24 The following persons [~~prescribing physician who authorizes the~~
25 ~~acquisition of an automated external defibrillator in accordance~~
26 ~~with this chapter, a person or entity that provides approved~~
27 ~~training in the use of an automated external defibrillator in~~

1 ~~accordance with this chapter, and the person or entity that~~
2 ~~acquires the automated external defibrillator and meets the~~
3 ~~requirements of this chapter]~~ are not liable for civil damages
4 arising out of conduct relating to preparing for and responding to a
5 suspected sudden cardiac arrest emergency [~~for such prescription,~~
6 ~~training, or acquisition]~~ unless the conduct is wilfully or
7 wantonly negligent:

8 (1) a person that acquires an automated external
9 defibrillator;

10 (2) a person that owns, manages, or is otherwise
11 responsible for the premises on which an automated external
12 defibrillator is located;

13 (3) a person who retrieves an automated external
14 defibrillator in response to a perceived sudden cardiac arrest
15 emergency;

16 (4) a person who uses, attempts to use, or fails to use
17 an automated external defibrillator in response to a perceived
18 sudden cardiac arrest emergency;

19 (5) a physician or other authorized person who issues
20 a prescription for the purchase of an automated external
21 defibrillator;

22 (6) a person that is involved with the design or
23 management of an automated external defibrillator program; and

24 (7) a person that provides instruction in the use of an
25 automated external defibrillator.

26 (b) The limitation on liability provided by this section is
27 not exclusive and a person may raise any other defense to liability

1 available under law. [~~Any person or entity that acquires an~~
2 ~~automated external defibrillator and negligently fails to comply~~
3 ~~with the requirements of this chapter is liable for civil damages~~
4 ~~caused by such negligence.~~]

5 SECTION 4. The following provisions of the Health and
6 Safety Code are repealed:

- 7 (1) Section 779.002;
8 (2) Section 779.003;
9 (3) Section 779.004;
10 (4) Section 779.007; and
11 (5) Section 779.008.

12 SECTION 5. A local emergency medical services provider
13 shall implement the system required by Section 779.005(d), Health
14 and Safety Code, as added by this Act, not later than the 180th day
15 following the effective date of this Act.

16 SECTION 6. Section 33.088, Education Code, as added by this
17 Act, applies beginning with the 2007-2008 school year.

18 SECTION 7. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2007.