By:  Nelson S.B. No. 199

(In the Senate - Filed November 16, 2020; March 3, 2021, read first time and referred to Committee on Health & Human Services; March 22, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; March 22, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Buckingham        X

Campbell          X

Hall              X

Miles                       X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR S.B. No. 199 By:  Buckingham

A BILL TO BE ENTITLED

AN ACT

relating to automated external defibrillators.

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

SECTION 1.  Section 779.003, Health and Safety Code, is amended to read as follows:

Sec. 779.003.  ACQUISITION, MAINTENANCE, AND INSPECTION OF AUTOMATED EXTERNAL DEFIBRILLATOR. A person or entity that owns or leases an automated external defibrillator shall:

(1)  ensure a licensed physician is involved in the acquisition of the automated external defibrillator in accordance with this chapter;

(2)  maintain and test the automated external defibrillator according to the manufacturer's guidelines; and

(3)  conduct a monthly inspection to verify the automated external defibrillator:

(A)  is placed at its designated location;

(B)  reasonably appears to be ready for use; and

(C)  does not reasonably appear to be damaged in a manner that could prevent operation.

SECTION 2.  Section 779.006, Health and Safety Code, is amended to read as follows:

Sec. 779.006.  LIABILITY EXEMPTION. (a) Unless the conduct is wilfully or wantonly negligent, a [~~The prescribing~~] physician who prescribes or is otherwise involved in [~~authorizes~~] the acquisition of an automated external defibrillator and any [~~in accordance with this chapter, a~~] person or entity that provides [~~approved~~] training in the use of an automated external defibrillator [~~in accordance with this chapter, and the person or entity that acquires the automated external defibrillator and meets the requirements of this chapter~~] are not liable for civil damages related to:

(1)  the [~~for such~~] prescription, [~~training, or~~] acquisition, or training in the use of the automated external defibrillator; or

(2)  any use or attempted use of or the failure to use the automated external defibrillator [~~unless the conduct is wilfully or wantonly negligent~~].

(b)  Any person or entity that acquires an automated external defibrillator and any person or entity that owns, occupies, manages, or is otherwise responsible for the designated location where the automated external defibrillator is placed are not liable for civil damages related to the use or attempted use of or the failure to use the automated external defibrillator unless the conduct is wilfully or wantonly negligent [~~and negligently fails to comply with the requirements of this chapter is liable for civil damages caused by such negligence~~].

(c)  The immunity provided by this section is in addition to any other immunity or limitations of liability provided by other law.

(d)  The immunity described by this section applies regardless of whether the person who uses, attempts to use, or fails to use the automated external defibrillator received training in the use of an automated external defibrillator.

SECTION 3.  Section 21.0541, Education Code, is amended to read as follows:

Sec. 21.0541.  CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO USE OF AUTOMATED EXTERNAL DEFIBRILLATOR. The board shall adopt rules allowing an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator that meets any [~~the~~] guidelines for automated external defibrillator training approved by the board [~~under Section 779.002, Health and Safety Code~~].

SECTION 4.  The following provisions are repealed:

(1)  Section 22.902(b), Education Code; and

(2)  Section 779.002, Health and Safety Code.

SECTION 5.  This Act takes effect September 1, 2021.

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