

By: Nelson

S.B. No. 199

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

1 acquisition of an automated external defibrillator and any [~~in~~  
2 ~~accordance with this chapter, a~~] person or entity that provides  
3 [~~approved~~] training in the use of an automated external  
4 defibrillator [~~in accordance with this chapter, and the person or~~  
5 ~~entity that acquires the automated external defibrillator and meets~~  
6 ~~the requirements of this chapter~~] are not liable for civil damages  
7 related to:

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

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

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

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

26           (d) The immunity described by this section applies  
27 regardless of whether the person who uses, attempts to use, or fails

1 to use the automated external defibrillator received training in  
2 the use of an automated external defibrillator.

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

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

13 SECTION 4. The following provisions are repealed:

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

15 (2) Section 779.002, Health and Safety Code.

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