

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 AND MAINTENANCE 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 and installation of an automated external defibrillator at a designated location;

(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) is ready for use after the most recent replacement of its batteries and pads; and

(C) is not 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) Any ~~[The]~~ prescribing physician who authorizes the acquisition of an

1 automated external defibrillator in accordance with this chapter  
2 and any [~~7~~, a] person or entity that provides [~~approved~~] training in  
3 the use of an automated external defibrillator [~~in accordance with~~  
4 ~~this chapter, and the person or entity that acquires the automated~~  
5 ~~external defibrillator and meets the requirements of this chapter~~]  
6 are not liable for civil damages for such prescription or [~~7~~]  
7 training [~~7~~, ~~or acquisition~~] unless the conduct is wilfully or  
8 wantonly negligent.

9 (b) Any person or entity that acquires an automated external  
10 defibrillator and any person or entity that owns, occupies,  
11 manages, or is otherwise responsible for the designated location  
12 where the automated external defibrillator is placed are not liable  
13 for civil damages related to the use or attempted use of the  
14 automated external defibrillator unless:

15 (1) the conduct is wilfully or wantonly negligent; or  
16 (2) the requirements established by this chapter are  
17 not satisfied [~~and negligently fails to comply with the~~  
18 ~~requirements of this chapter is liable for civil damages caused by~~  
19 ~~such negligence~~].

20 (c) The immunity described by this section applies  
21 regardless of whether the person who uses or attempts to use the  
22 automated external defibrillator received training on the use of an  
23 automated external defibrillator.

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

26 Sec. 21.0541. CONTINUING EDUCATION CREDIT FOR INSTRUCTION  
27 RELATED TO USE OF AUTOMATED EXTERNAL DEFIBRILLATOR. The board

1 shall adopt rules allowing an educator to receive credit towards  
2 the educator's continuing education requirements for completion of  
3 an instructional course on the use of an automated external  
4 defibrillator that meets any [~~the~~] guidelines for automated  
5 external defibrillator training approved by the board [~~under~~  
6 ~~Section 779.002, Health and Safety Code~~].

7 SECTION 4. The following provisions are repealed:

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

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

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