
HOUSE BILL 2998

State of Washington 55th Legislature 1998 Regular Session

By Representatives Sheahan, Costa and K. Schmidt

Read first time 01/27/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to limited immunity for use of semiautomatic
2 external defibrillators; and adding a new section to chapter 70.54 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW
5 to read as follows:

6 (1) As used in this section:

7 (a) "Defibrillators" means an automatic external defibrillator.

8 (b) "Gratuitously renders emergency care" means the giving of
9 emergency care, including the use of a defibrillator, that was
10 volunteered without legal obligation on the part of the person
11 rendering the emergency care and for which the person rendering the
12 emergency care does not expect remuneration. "Gratuitously renders
13 emergency care" does not mean emergency care for which the party
14 rendering care later failed to submit a bill for payment.

15 (2) This section applies to all persons or entities, except health
16 care professionals licensed under Title 18 RCW, hospitals, and
17 ambulatory outpatient surgical centers.

18 (3) A person or entity who acquires a defibrillator shall ensure
19 that:

1 (a) Expected defibrillator users receive reasonable training in
2 defibrillator use and cardiopulmonary resuscitation by a national or
3 state-approved course and instructor. The user of a defibrillator
4 shall possess demonstrated proficiency in defibrillator use and
5 cardiopulmonary resuscitation;

6 (b) The defibrillator is maintained and tested according to the
7 manufacturer's operational guidelines; and

8 (c) Medical direction is enlisted from a licensed physician in the
9 use of the defibrillator and cardiopulmonary resuscitation.

10 The person or entity who acquires a defibrillator shall notify the
11 law enforcement agency and the fire fighting organization that provides
12 local emergency services about the existence and the location of the
13 defibrillator.

14 (4)(a) Except under (b) of this subsection, a person who comes upon
15 the scene of an emergency or accident or is summoned to the scene of an
16 emergency or accident and, in good faith, gratuitously renders
17 emergency care at the scene of the emergency or accident is immune from
18 civil liability for any personal injury that results from: (i) Any act
19 or omission by the person in rendering the emergency care; or (ii) any
20 act or failure to act to provide or arrange for further medical
21 treatment or care for the injured person.

22 (b) The immunity from civil liability under (a) of this subsection
23 does not apply if the acts or omissions amount to gross negligence or
24 willful or wanton misconduct.

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