

BILL ANALYSIS

Senate Research Center

H.B. 580
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Health Services
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Engrossed

DIGEST

Currently, more than 1,000 people die every day from cardiac arrests. H.B. 580 would establish training and maintenance procedures for persons who acquire and use automated external defibrillators (AEDs) in places other than a hospital or a medical setting. In addition, this bill would limit the liability of a person who is trained to use AEDs, provided that the person is acting in good faith.

PURPOSE

As proposed, H.B. 580 amends regulations regarding automated external defibrillator devices.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Health in SECTION 1 (Section 779.002(b), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 9B, Health and Safety Code, by adding Chapter 779, as follows:

CHAPTER 779. AUTOMATED EXTERNAL DEFIBRILLATORS

Sec. 779.001. DEFINITION. Defines "automated external defibrillator."

Sec. 779.002. TRAINING. Sets forth usage requirements for a person or entity that acquires an automated external defibrillator. Requires the Texas Department of Health (TDH) to adopt rules establishing the minimum requirements for training. Sets forth guidelines that the rules must incorporate regarding the training.

Sec. 779.003. MAINTENANCE OF AUTOMATED EXTERNAL DEFIBRILLATOR. Requires the owners of a defibrillator to maintain and test the device according to certain guidelines.

Sec. 779.004. USING AN AUTOMATED EXTERNAL DEFIBRILLATOR. Requires a person who employs the defibrillator in an emergency to notify the appropriate emergency medical services provider.

Sec. 779.005. NOTIFYING LOCAL EMERGENCY MEDICAL SERVICES PROVIDER. Requires a person who acquires a defibrillator to notify certain providers of the purchase and location of the device.

Sec. 779.006. LIABILITY EXEMPTION. Makes certain individuals not liable for civil damages in the use of a defibrillator, including the doctor that prescribes the defibrillator, a person who trains someone in the use of the defibrillator, and a person who acquires the device and meets certain requirements, unless the person negligently fails to comply with the requirement.

Sec. 779.007. POSSESSION OF AUTOMATED EXTERNAL DEFIBRILLATORS. Sets forth guidelines with which a person who possesses or acquires a defibrillator must comply.

Sec. 779.008. HOSPITAL EXEMPTION. Provides that this chapter does not apply to certain hospitals.

SECTION 2. Amends Section 74.001(a), Civil Practice and Remedies Code, to make a person or entity who uses in good faith an automated external defibrillator exempt from civil damages for using the device outside of a hospital and during an emergency, unless the act is wilfully or wantonly negligent.

SECTION 3. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 4. Emergency clause.