

Senate Bill 556

Sponsored by Senators HASS, KRUSE; Senators ATKINSON, BATES, GIROD, MONNES ANDERSON, Representatives BARKER, GREENLICK, MAURER, READ, ROBLAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires certain places of public assembly to have automated external defibrillator and that owner of place of public assembly ensures that staff person trained in use of automated external defibrillator is present when place of public assembly is open to public.

A BILL FOR AN ACT

1
2 Relating to automated external defibrillators; creating new provisions; and amending ORS 30.802.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section, "place of public assembly" means a facility where:**

5 **(a) The public congregates for purposes such as deliberation, shopping, entertainment,**
6 **amusement or awaiting transportation; or**

7 **(b) Business activities are conducted.**

8 **(2) Notwithstanding ORS 431.680 (3)(b), if a place of public assembly accommodates 500**
9 **or more persons, the owner of the place of public assembly shall have on the premises at**
10 **least one automated external defibrillator.**

11 **(3) When a place of public assembly required by subsection (2) of this section to have an**
12 **automated external defibrillator is open to the public, the owner of the place of public as-**
13 **sembly shall ensure that a staff person trained in the use of the automated external**
14 **defibrillator is present.**

15 **(4) Subsections (2) and (3) of this section do not apply to:**

16 **(a) Any facility owned by a school district, education service district, private school or**
17 **public charter school; or**

18 **(b) Any facility primarily used for worship or education associated with worship.**

19 **SECTION 2. ORS 30.802 is amended to read:**

20 30.802. (1) As used in this section:

21 (a) "Automated external defibrillator" means an automated external defibrillator approved for
22 sale by the federal Food and Drug Administration.

23 (b) "Public setting" means a location that is:

24 (A) Accessible to members of the general public, employees, visitors and guests, but that is not
25 a private residence;

26 (B) A public school facility as defined in ORS 327.365; *[or]*

27 (C) A health club as defined in ORS 431.680[.]; **or**

28 **(D) A place of public assembly as defined in section 1 of this 2009 Act.**

29 (2) A person may not bring a cause of action against another person for damages for injury,
30 death or loss that result from acts or omissions involving the use, attempted use or nonuse of an

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 automated external defibrillator when the other person:

2 (a) Used or attempted to use an automated external defibrillator;

3 (b) Was present when an automated external defibrillator was used or should have been used;

4 (c) Provided training in the use of an automated external defibrillator;

5 (d) Is a physician and provided services related to the placement or use of an automated ex-
6 ternal defibrillator; or

7 (e) Possesses or controls one or more automated external defibrillators placed in a public setting
8 and reasonably complied with the following requirements:

9 (A) Maintained, inspected and serviced the automated external defibrillator, the battery for the
10 automated external defibrillator and the electrodes for the automated external defibrillator in ac-
11 cordance with guidelines set forth by the manufacturer.

12 (B) Ensured that a sufficient number of employees received training in the use of an automated
13 external defibrillator so that at least one trained employee may be reasonably expected to be pres-
14 ent at the public setting during regular business hours.

15 (C) Stored the automated external defibrillator in a location from which the automated external
16 defibrillator can be quickly retrieved during regular business hours.

17 (D) Clearly indicated the presence and location of each automated external defibrillator.

18 (E) Established a policy to call 9-1-1 to activate the emergency medical services system as soon
19 as practicable after the potential need for the automated external defibrillator is recognized.

20 (3) The immunity provided by this section does not apply if:

21 (a) The person against whom the action is brought acted with gross negligence or with reckless,
22 wanton or intentional misconduct;

23 (b) The use, attempted use or nonuse of an automated external defibrillator occurred at a lo-
24 cation where emergency medical care is regularly available; or

25 (c) The person against whom the action is brought possesses or controls one or more automated
26 external defibrillators in a public setting and the person's failure to reasonably comply with the
27 requirements described in subsection (2)(e) of this section caused the alleged injury, death or loss.

28 (4) Nothing in this section affects the liability of a manufacturer, designer, developer, distributor
29 or supplier of an automated external defibrillator, or an accessory for an automated external
30 defibrillator, under the provisions of ORS 30.900 to 30.920 or any other applicable state or federal
31 law.

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