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09500SB0404ham001

LRB095 07684 DRJ 36257 a

1 AMENDMENT TO SENATE BILL 404

2 AMENDMENT NO. _____. Amend Senate Bill 404 by replacing
3 lines 20 through 24 on page 3 and lines 1 through 14 on page 4
4 with the following:

5 "Section 10. The Automated External Defibrillator Act is
6 amended by changing Section 20 as follows:

7 (410 ILCS 4/20)

8 Sec. 20. Maintenance; oversight.

9 (a) A person acquiring an automated external defibrillator
10 shall take reasonable measures to ensure that:

11 (1) (blank) ~~the automated external defibrillator is~~
12 ~~used only by trained AED users;~~

13 (2) the automated external defibrillator is maintained
14 and tested according to the manufacturer's guidelines;

15 (3) any person considered to be an anticipated rescuer
16 or user will have successfully completed a course of

1 instruction in accordance with the standards of a
2 nationally recognized organization, such as the American
3 Red Cross or the American Heart Association, or a course of
4 instruction in accordance with existing rules under this
5 Act to use an automated external defibrillator and to
6 perform cardiovascular resuscitation (CPR); ~~the automated~~
7 ~~external defibrillator is registered with the EMS system~~
8 ~~hospital in the vicinity of where the automated external~~
9 ~~defibrillator will primarily be located which shall~~
10 ~~oversee utilization of the automated external~~
11 ~~defibrillator and ensure that training and maintenance~~
12 ~~requirements are met;~~ and

13 (4) any person who renders out-of-hospital emergency
14 care or treatment to a person in cardiac arrest by using an
15 automated external defibrillator activates the EMS system
16 as soon as possible and reports any clinical use of the
17 automated external defibrillator.

18 (b) A person in possession of an automated external
19 defibrillator shall notify an agent of the local emergency
20 communications or vehicle dispatch center of the existence,
21 location, and type of the automated external defibrillator.

22 (Source: P.A. 91-524, eff. 1-1-00.)

23 Section 15. The Good Samaritan Act is amended by changing
24 Section 12 and by adding Section 68 as follows:

1 (745 ILCS 49/12)

2 Sec. 12. Use of an automated ~~automatic~~ external
3 defibrillator; exemption from civil liability for emergency
4 care. As provided in Section 30 of the Automated External
5 Defibrillator Act, any automated external defibrillator user
6 who ~~Any person who has successfully completed the training~~
7 ~~requirements of a course in basic emergency care of a person in~~
8 ~~cardiac arrest that:~~

9 ~~(i) included training in the operation and use of an~~
10 ~~automatic external defibrillator; and~~

11 ~~(ii) was conducted in accordance with the standards of~~
12 ~~the American Heart Association,~~

13 ~~and who,~~ in good faith and without fee or compensation, ~~not for~~
14 ~~compensation,~~ renders emergency medical care involving the use
15 of an automated ~~automatic~~ external defibrillator in accordance
16 with his or her training is not liable for any civil damages as
17 a result of any act or omission, except for willful and wanton
18 misconduct, by that person in rendering that care.

19 (Source: P.A. 90-746, eff. 8-14-98.)

20 (745 ILCS 49/68 new)

21 Sec. 68. Disaster Relief Volunteers. Any firefighter,
22 licensed emergency medical technician (EMT) as defined by
23 Section 3.50 of the Emergency Medical Services (EMS) Systems
24 Act, physician, dentist, podiatrist, optometrist, pharmacist,
25 advanced practice nurse, physician assistant, or nurse who in

1 good faith and without fee or compensation provides health care
2 services as a disaster relief volunteer shall not, as a result
3 of his or her acts or omissions, except willful and wanton
4 misconduct on the part of the person, in providing health care
5 services, be liable to a person to whom the health care
6 services are provided for civil damages. This immunity applies
7 to health care services that are provided without fee or
8 compensation during or within 10 days following the end of a
9 disaster or catastrophic event.

10 The immunity provided in this Section only applies to a
11 disaster relief volunteer who provides health care services in
12 relief of an earthquake, hurricane, tornado, nuclear attack,
13 terrorist attack, epidemic, or pandemic without fee or
14 compensation for providing the volunteer health care services.

15 The provisions of this Section shall not apply to any
16 health care facility as defined in Section 8-2001 of the Code
17 of Civil Procedure or to any practitioner, who is not a
18 disaster relief volunteer, providing health care services in a
19 hospital or health care facility."