

AN ACT

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District of
Columbia
Official Code

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Public Access to Automated Defibrillator Act of 2000 to clarify that any person that, in good faith and without compensation, uses a defibrillator in an emergency is immune from civil liability for any personal injury resulting from any act or omission in the use of the defibrillator in an emergency situation; and to clarify the meaning of the term compensation for these purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Good Samaritan Use of Automated External Defibrillators Clarification Amendment Act of 2006”.

Sec. 2. The Public Access to Automated Defibrillator Act of 2000, effective April 27, 2001 (D.C. Law 13-278; D.C. Official Code § 44-231 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-231) is amended to read as follows:

“For the purposes of this act, the term:

Amend
§ 44-231

“(1) “Automated external defibrillator" or "AED" or "defibrillator" means a medical device heart monitor and defibrillator that:

“(A) Has received approval from the United States Food and Drug Administration of its premarket notification filed pursuant to section 510(k) of the Federal Food, Drug, and Cosmetic Act, approved October 10, 1962 (76 Stat. 794; 21 U.S.C. § 360(k));

“(B) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and determining, without intervention by an operator, whether defibrillation should be performed; and

“(C) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual’s heart.

“(2) “Compensation” shall not include the salary of any person who registers an automated external defibrillator, trains the individuals who operate the registered automated external defibrillators, orders the automated external defibrillators which will subsequently be registered, or operates a registered automated external defibrillator at the scene of an emergency, excluding any professional medical emergency setting.”.

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(b) Section 4 (D.C. Official Code § 44-233) is amended as follows:

**Amend
§ 44-233**

(1) Subsection (e) is amended by striking the last sentence.

(2) A new subsection (f) is added to read as follows:

“(f) The immunity from civil liability under this section shall not apply to a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional or within the scope of the employment or agency of the professional.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia