The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 33

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

SENATE BILL 189, as amended

Introduced by
CHAPTER 33

AN ACT

RELATING TO HEALTH; LIMITING LIABILITY FOR A GOOD SAMARITAN
WHO COMES TO THE AID OF A PERSON IN NEED OF DEFIBRILLATION;
AMENDING SECTIONS OF THE CARDIAC ARREST RESPONSE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-10C-3 NMSA 1978 (being Laws 1999,
Chapter 94, Section 3, as amended) is amended to read:

"24-10C-3. DEFINITIONS.--As used in the Cardiac Arrest
Response Act:

A. "automated external defibrillator" means a
medical device heart monitor and defibrillator that:

(1) has received approval of its premarket
modification filed pursuant to 21 U.S.C. 360(k), from the
United States food and drug administration;

(2) is capable of recognizing cardiac arrest
that will respond to defibrillation, ventricular fibrillation
or rapid ventricular tachycardia, and is capable of
determining whether defibrillation should be performed; and

(3) upon determining that defibrillation
should be performed, automatically charges and is capable of
delivering an electrical impulse to an individual's heart;

B. "automated external defibrillator program"
means a program of trained targeted responders registered
with the department;
C. "defibrillation" means the administration of a controlled electrical charge to the heart to restore a viable cardiac rhythm;

D. "department" means the department of health;

E. "good Samaritan" means a person who lacks automated external defibrillator training but who has access to an automated external defibrillator and provides emergency automated external defibrillator services to a person in need of defibrillation, provided that the good Samaritan:

   (1) acts without willful, wanton or reckless behavior that is the cause of injury or death; and

   (2) acts without compensation;

F. "person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture or any legal or commercial entity; and

G. "trained targeted responder" means a person trained in the use of an automated external defibrillator under emergency cardiac care guidelines."

SECTION 2. Section 24-10C-4 NMSA 1978 (being Laws 1999, Chapter 94, Section 4, as amended) is amended to read:

"24-10C-4. PROTECTION OF PUBLIC SAFETY.--A person that acquires an automated external defibrillator shall ensure that:

A. a trained targeted responder is designated to
oversee all aspects of the automated external defibrillator program, including training, emergency medical services coordination, protocol approval and automated external defibrillator deployment strategies, and that the trained targeted responder provides overall quality assurance and reviews each case in which the automated external defibrillator is used by the program;

E. the trained targeted responders receive appropriate training in cardiopulmonary resuscitation and in the use of an automated external defibrillator by a nationally recognized course in cardiopulmonary response and automated external defibrillator use approved by the department or other training programs authorized by the department;

C. the defibrillator is maintained and tested according to the manufacturer's guidelines;

D. any person that renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical system as soon as possible and reports any clinical use of the automated external defibrillator to the designated trained targeted responder;

E. the automated external defibrillator program is registered with the department; and

F. the local emergency medical services and local
911 agencies have been notified of the automated external
defibrillator program."

SECTION 3. Section 24-10C-7 NMSA 1978 (being Laws 1999,
Chapter 94, Section 7, as amended) is amended to read:

"24-10C-7. LIMITED LIABILITY PROTECTIONS.--

A. The following persons who render emergency care
or treatment by the use of an automated external
defibrillator pursuant to the provisions of the Cardiac
Arrest Response Act shall not be subject to civil liability,
provided that they have acted with reasonable care and in
compliance with the requirements of that act:

(1) a trained targeted responder who
provides supervisory services pursuant to the Cardiac Arrest
Response Act;

(2) a person that provides training in
cardiopulmonary resuscitation and use of automated external
defibrillation;

(3) a person that acquires, provides or
makes available to the public an automated external
defibrillator pursuant to the Cardiac Arrest Response Act;

(4) the owner, manager or operator of the
property or facility where the automated external
defibrillator is located;

(5) a person that authorizes, directs or
supervises the installation or placement of an automated
external defibrillator; and

(6) the trained targeted responder.

B. A good Samaritan who renders emergency care or treatment by the use of an automated external defibrillator pursuant to the provisions of the Cardiac Arrest Response Act shall not be subject to civil liability; provided that the good Samaritan has acted without willful, wanton or reckless behavior that is the cause of injury or death and in compliance with the requirements of that act."
John A. Sartache, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

Don L. Tripp, Speaker
House of Representatives

Denise Ramonas, Chief Clerk
House of Representatives

Approved by me this 3rd day of April, 2015

Governor Susana Martinez
State of New Mexico