

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2348**

Introduced by

Senators Heckaman, Erbele

Representatives Mock, Nathe, Oversen

1 A BILL for an Act to amend and reenact section 32-03.1-02.3 of the North Dakota Century  
2 Code, relating to training in the use of automated external defibrillators.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 32-03.1-02.3 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **32-03.1-02.3. Automated external defibrillators - Requirements.**

- 7 1. Except for a medical services facility or prehospital emergency medical services  
8 provider, every person who acquires an automated external defibrillator shall:
- 9 a. Require every individual expected to use the automated external defibrillator to  
10 receive ~~American heart association or American red cross~~ training in the most  
11 recent nationally recognized course in cardiopulmonary resuscitation and  
12 automated external defibrillator use ~~or an equivalent nationally recognized course~~  
13 ~~in cardiopulmonary resuscitation and automated external defibrillator use;~~
  - 14 b. Maintain and test the automated external defibrillator according to the  
15 manufacturer's operational guidelines;
  - 16 c. Establish an automated external defibrillator use protocol that provides any  
17 person who provides emergency care or treatment to an individual in cardiac  
18 arrest by using the automated external defibrillator shall contact, as soon as  
19 possible, an appropriate health care provider or emergency medical services  
20 provider; and
  - 21 d. Consider recommendations of a licensed physician in establishing the training,  
22 notification, and maintenance requirements of this subsection.
- 23 2. Any person who in good faith and without compensation provides emergency care or  
24 emergency treatment by using an automated external defibrillator is immune from civil

- 1 liability for any personal injury resulting from the emergency care or emergency  
2 treatment and for any act or failure to act in providing or arranging further medical  
3 treatment if the person providing the emergency care or emergency treatment acted  
4 as an ordinary, reasonable, prudent person would act under the same or similar  
5 circumstances. This subsection does not apply if a personal injury results from the  
6 gross negligence or from the willful or wanton misconduct of the person providing the  
7 emergency care or emergency treatment.
- 8 3. The immunity provision of subsection 2 applies to a licensed physician under  
9 subdivision d of subsection 1, the person who provides the training under  
10 subdivision a of subsection 1, and the person responsible for the site on which the  
11 automated external defibrillator is located.
- 12 4. This section does not limit civil liability protection provided by any other law.