

HOUSE No. 3663

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act requiring defibrillators in senior housing facilities..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8B of chapter 40 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by inserting before the definition of “Buyer” the following
3 definition:-

4 "AED”, an automatic external defibrillator medical device approved by the United States
5 Food and Drug Administration that: (i) is capable of recognizing the presence or absence of
6 ventricular fibrillation and rapid ventricular tachycardia in a patient; (ii) is capable of
7 determining, without intervention by an operator, whether defibrillation should be performed on
8 the patient; (iii) upon determining that defibrillation should be performed, automatically charges
9 and requests delivery of an electrical impulse to the patient’s heart; and (iv) then, upon action by
10 an operator, delivers an appropriate electrical impulse to the patent’s heart to perform
11 defibrillation.

12 SECTION 2. Chapter 111 of the General Laws is hereby amended by inserting after
13 section 57D the following section:—

14 Section 57E. All public and private senior housing facilities with an occupancy of 15 or
15 more persons shall have on the premises at least 1 AED and shall have in attendance at least 1
16 employee or authorized volunteer as an AED provider as defined in section 12V½ of chapter
17 112. The provisions of said section 12V½ of said chapter 112 shall be applicable to any action
18 under this section.

19 SECTION 3. Chapter 112 of the General Laws is hereby amended by striking out section
20 12V, as so appearing, and inserting in place thereof the following section:-

21 Section 12V. Any person, unless the usual and regular duties of such person include
22 providing emergency medical care, who in good faith and without compensation renders
23 emergency cardiopulmonary resuscitation or defibrillation, to any person who apparently
24 requires cardiopulmonary resuscitation or defibrillation, shall not be liable for acts or omissions,
25 other than gross negligence or willful or wanton misconduct, resulting from the rendering of
26 such emergency cardiopulmonary resuscitation or defibrillation.