

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 72

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO HEALTH; REPEALING SECTION 5-337, IDAHO CODE, RELATING TO IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE 39, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE CERTAIN AUTHORITY TO ADMINISTER CARDIOPULMONARY RESUSCITATION OR USE AN AUTOMATED EXTERNAL DEFIBRILLATOR, AND TO ESTABLISH PROVISIONS REGARDING LEGAL IMMUNITY UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section [5-337](#), Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 7, Title 39, Idaho Code, and to read as follows:

CHAPTER 7  
SUDDEN CARDIAC ARREST

39-701. DEFINITIONS. As used in this chapter:

(1) "Automated external defibrillator" or "AED" refers to an automated external defibrillator approved for commercial distribution by the United States food and drug administration.

(2) "Cardiopulmonary resuscitation" or "CPR" shall have the same meaning as provided in section 39-4502, Idaho Code.

(3) "Health care directive" shall have the same meaning as provided in section 39-4502, Idaho Code.

(4) "Health care provider" shall have the same meaning as provided in section 39-4502, Idaho Code.

(5) "Sudden cardiac arrest" means a life-threatening condition that results when a person's heart suddenly and abruptly stops beating normally and fails to produce a pulse.

39-702. AUTHORITY TO ADMINISTER CPR OR USE AN AED. A person without a license, certificate, training, or other governmental authorization may, if the person reasonably believes that another person is in sudden cardiac arrest, administer CPR or use an AED on the other person.

39-703. IMMUNITY. (1) Absent gross negligence or willful misconduct, no person is subject to civil liability for damages arising out of any acts or omissions relating to performing or failing to perform CPR or the purchase, placement, availability, use, or non-use of an AED.

(2) The immunity described in subsection (1) of this section applies regardless of where an AED is retrieved from or used.

1           (3) Nothing in this section shall be construed to allow or enable a  
2 health care provider to perform acts contrary to a health care directive.

3           SECTION 3. An emergency existing therefor, which emergency is hereby  
4 declared to exist, this act shall be in full force and effect on and after  
5 July 1, 2023.