

105TH CONGRESS
1ST SESSION

H. R. 1670

To amend title 49, United States Code, to require air carriers to establish procedures for responding to in-flight medical emergencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1997

Mrs. KENNELLY of Connecticut introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to require air carriers to establish procedures for responding to in-flight medical emergencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airline Passenger Safe-
5 ty Act of 1997”.

6 **SEC. 2. IN-FLIGHT MEDICAL EMERGENCIES.**

7 (a) IN GENERAL.—Chapter 417 of title 49, United
8 States Code, is amended by adding at the end the follow-
9 ing:

1 “SUBCHAPTER III—IN-FLIGHT MEDICAL
2 EMERGENCIES

3 “§ 41761. Treatment of in-flight medical emergencies

4 “(a) IN-FLIGHT MEDICAL EMERGENCY PROCE-
5 DURES.—

6 “(1) ESTABLISHMENT.—Each air carrier
7 shall—

8 “(A) establish a detailed list of procedures
9 to be followed by the air carrier in the event of
10 an in-flight medical emergency; and

11 “(B) submit a copy of such procedures to
12 the Secretary not later than 180 days after the
13 date of the enactment of this subchapter.

14 “(2) REQUIREMENTS.—

15 “(A) STEPS TO BE FOLLOWED IN MEDICAL
16 EMERGENCIES.—The procedures established by
17 an air carrier under paragraph (1) shall ensure
18 that the following steps are taken, in the order
19 specified, in the event of an in-flight medical
20 emergency involving a passenger of the carrier:

21 “(i) Attending to the passenger.

22 “(ii) Notifying the pilot in command.

23 “(iii) Requesting assistance from
24 medically-qualified passengers.

1 “(iv) Consulting the in-flight medical
2 care manual of the air carrier.

3 “(B) CARDIAC EMERGENCIES.—In addition
4 to the requirements of subparagraph (A), proce-
5 dures established by an air carrier under para-
6 graph (1) shall ensure that in the case of a car-
7 diac emergency a 4-step chain of survival plan
8 is implemented which requires, in the order
9 specified, the following:

10 “(i) Activation of the emergency medi-
11 cal system (ensuring that emergency call
12 procedures are in place to summon skilled
13 aid).

14 “(ii) Cardiopulmonary resuscitation.

15 “(iii) Defibrillation.

16 “(iv) Getting the patient to a full care
17 unit (such as a hospital) as soon as pos-
18 sible for advanced cardiac support.

19 “(C) LEVEL OF ASSISTANCE.—The proce-
20 dures established by an air carrier under para-
21 graph (1) shall afford the same level of assist-
22 ance to passengers as are afforded to members
23 of the flight crew.

24 “(3) AVAILABILITY OF PROCEDURES TO THE
25 PUBLIC.—Each air carrier shall provide to a pas-

1 senger of the air carrier, upon request of the pas-
2 senger, a copy of the procedures established by the
3 carrier under paragraph (1).

4 “(b) LIFE-SAVING EQUIPMENT AND APPROPRIATELY
5 STOCKED FIRST-AID KITS AND MEDICAL KITS.—

6 “(1) IN GENERAL.—On and after the 180th
7 day following the date of the enactment of this sub-
8 chapter, each aircraft operated by an air carrier in
9 air transportation or intrastate air transportation
10 shall be equipped with—

11 “(A) at least 1 piece of life-saving equip-
12 ment (such as an automated external
13 defibrillator) for use in responding to a cardiac
14 emergency;

15 “(B) at least 1 first-aid kit; and

16 “(C) at least 1 medical kit;

17 The air carrier shall restock such kits, as necessary,
18 before each flight segment.

19 “(2) ACCESS TO EQUIPMENT.—Each member of
20 the flight crew on an aircraft described in paragraph
21 (1) shall have access to the life-saving equipment,
22 first-aid kit, and medical kit required under para-
23 graph (1).

24 “(3) PERIODIC REVIEWS.—The Secretary shall
25 conduct periodic reviews of the life-saving equip-

1 ment, first-aid kits, and medical kits required under
2 paragraph (1) and shall require such additional
3 items to be included in the kits as the Secretary de-
4 termines appropriate.

5 “(c) IN-FLIGHT EMERGENCY PROCEDURES MAN-
6 UAL.—

7 “(1) ESTABLISHMENT.—Each air carrier
8 shall—

9 “(A) train flight crew members in
10 cardiopulmonary resuscitation and operation of
11 an automated external defibrillator;

12 “(B) establish an in-flight emergency pro-
13 cedures manual, including cardiac medical
14 emergency response procedures; and

15 “(C) submit such manual to the Secretary
16 not later than 180 days after the date of the
17 enactment of this subchapter.

18 “(2) REQUIREMENTS.—The manual established
19 by an air carrier under paragraph (1) shall include,
20 at a minimum, the following:

21 “(i) Instructions for the use of all
22 items in first-aid kits and medical kits.

23 “(ii) Procedures for handling cardiac
24 emergencies and other immediately life-
25 threatening medical emergencies.

1 “(iii) Basic emergency procedures, in-
2 cluding cardiopulmonary resuscitation, op-
3 eration of life-saving equipment (such as
4 an automated external defibrillator),
5 mouth-to-mouth resuscitation, and admin-
6 istration of oxygen.

7 “(3) EQUIPPING OF MANUALS ON AIRCRAFT.—
8 On and after the 180th day following the date of the
9 enactment of this subchapter, each aircraft operated
10 by an air carrier in air transportation or intrastate
11 air transportation shall be equipped with the manual
12 of the air carrier established under paragraph (1),
13 including at least 1 copy of the manual in the cock-
14 pit and at least 1 copy of the manual next to each
15 first-aid kit and medical kit on the aircraft.

16 “(d) EMERGENCY MEDICAL CARE.—Each air carrier
17 shall take such actions as may be necessary to ensure
18 that—

19 “(1) each member of the flight crew on an air-
20 craft operated by the air carrier in air transpor-
21 tation or intrastate air transportation has received
22 training in cardiopulmonary resuscitation, operation
23 of life-saving equipment (such as an automated ex-
24 ternal defibrillator), and emergency medical training

1 and first-aid procedures, including the use of each
2 supply in a first-aid kit; and

3 “(2) at least 1 member of the flight crew on
4 such aircraft is authorized to operate an automated
5 external defibrillator (or similar life-saving equip-
6 ment) and to use a first-aid kit and medical kit.

7 “(e) ON-GROUND MEDICAL CONTRACTOR.—Each air
8 carrier shall enter into a contract with a clinic, hospital,
9 or other accredited medical care provider to provide the
10 air carrier with medical advice at any time in the case
11 of an in-flight medical emergency. Upon entering into such
12 contract, the carrier shall submit the name of the medical
13 care provider to the Secretary.

14 “(f) ASSISTANCE OF MEDICALLY-QUALIFIED PAS-
15 SENGERS.—Each air carrier shall take such actions as
16 may be necessary to ensure that when an in-flight medical
17 emergency takes place on an aircraft operated by the air
18 carrier, the flight crew assigned to the aircraft will solicit
19 the assistance of medically-qualified passengers. In solicit-
20 ing such assistance, the flight crew shall announce that
21 passengers who provide such assistance will be exempt
22 from liability, as provided in section 41768 of this title.

23 “(g) RESPONSIBILITIES OF PILOT IN COMMAND.—
24 Each air carrier shall take such actions as may be nec-
25 essary to ensure that when an in-flight medical emergency

1 takes place on an aircraft operated by the air carrier, the
2 pilot in command will solicit and consider the advice of
3 a medical responder as to the condition of the passenger
4 that is the subject of the emergency and, as appropriate,
5 will take necessary actions for rerouting the aircraft to
6 the nearest airport.

7 “(h) LAVATORIES.—Each air carrier shall take such
8 actions as may be necessary to ensure that a member of
9 the flight crew on an aircraft operated by the air carrier
10 in air transportation or intrastate air transportation will
11 check on any passenger that is inside a lavatory on the
12 aircraft for more than 10 minutes.

13 **“§ 41762. Ground procedures**

14 “(a) MEDICAL PERSONNEL.—Not later than 6
15 months after the date of the enactment of this subchapter,
16 the Secretary shall establish procedures to ensure that ap-
17 propriate medical personnel, including a coroner in the
18 event of the death of a passenger, are present to meet
19 an aircraft upon the notification of an air traffic controller
20 of an in-flight medical emergency.

21 “(b) PROCEDURES.—

22 “(1) IN GENERAL.—Not later than 6 months
23 after the date of the enactment of this subchapter,
24 the Secretary shall establish procedures for in-flight

1 medical emergencies requiring an emergency land-
2 ing, including—

3 “(A) establishing a medical facility to be
4 contacted when it is determined that an aircraft
5 will be landing at the airport after an in-flight
6 medical emergency; and

7 “(B) designating an airport ground crew
8 that will meet the plane, including medical per-
9 sonnel assigned to the airport.

10 “(2) LEVEL OF PRIORITY.—The procedures es-
11 tablished by the Secretary under paragraph (1) shall
12 ensure that an aircraft that is rerouted as the result
13 of an in-flight medical emergency will be afforded
14 the same level of priority for landing as an aircraft
15 that is experiencing mechanical malfunctions.

16 “(c) FACILITIES IN TERMINALS.—Each air carrier
17 providing air transportation or intrastate air transpor-
18 tation shall establish a plan, and adequate facilities and
19 pathways in the terminal on the ground, to facilitate at-
20 tending to, and as necessary transferring, patients who are
21 removed ill from an aircraft or who become ill in the termi-
22 nal.

23 **“§ 41763. Aircraft specifications**

24 An air carrier may not purchase or lease any aircraft
25 manufactured after the 180th day after the date of the

1 enactment of this subchapter unless the aircraft is
2 equipped with an emergency call button in each lavatory
3 on the aircraft.

4 **“§ 41764. Incident reports**

5 “(a) REPORTS BY AIR CARRIERS.—

6 “(1) IN GENERAL.—Each air carrier shall
7 transmit to the Secretary, within 48 hours of any in-
8 flight medical emergency occurring on an aircraft
9 operated by the carrier, a report containing a de-
10 scription of the emergency. Upon receipt of a report,
11 the Secretary shall make the report available to the
12 public.

13 “(2) CONTENTS.—A report transmitted under
14 paragraph (1) shall contain, at a minimum, the fol-
15 lowing:

16 “(A) A statement of the time that the
17 emergency was first made known to a member
18 of the flight crew.

19 “(B) A detailed description of the actions
20 relating to and taken in response to the emer-
21 gency, including the time each action occurred.

22 “(C) A detailed description of the symp-
23 toms of the passenger that experienced the
24 emergency, including the time each symptom
25 was recognized.

1 “(D) A detailed description of any medical
2 treatment provided to the passenger, including
3 a list of any equipment used in providing such
4 treatment from a first-aid kit or medical kit
5 and the name, title, and address of any person
6 providing such treatment.

7 “(E) A detailed description of any commu-
8 nication initiated by the pilot in command to an
9 air traffic controller or an on-ground medical
10 contractor, including the time of the commu-
11 nication.

12 “(F) A detailed description of any medical
13 advice provided by an on-ground medical con-
14 tractor or a medically-qualified passenger.

15 “(G) A statement of the time of any deci-
16 sion to reroute the aircraft as a result of the
17 emergency.

18 “(H) A statement of the name and quali-
19 fications of any medically-qualified passengers
20 who assisted in the emergency.

21 “(I) An assurance that all records concern-
22 ing the emergency (including records concern-
23 ing actions taken in-flight and on the ground)
24 were filed by the air carrier with appropriate

1 Federal, State, and local authorities within 24
2 hours of the emergency.

3 “(b) REPORTS BY AIR TRAFFIC CONTROL.—Each air
4 traffic controller shall transmit to the Secretary, within
5 48 hours of any in-flight medical emergency reported to
6 the controller, a report on any actions taken by the con-
7 troller in response to an in-flight medical emergency that
8 required an emergency landing.

9 “(c) CONSULTATION WITH MEDICAL FACILITY.—
10 After receiving a report from an air carrier under this sec-
11 tion concerning an in-flight medical emergency, the Sec-
12 retary shall—

13 “(1) consult with the medical facility to which
14 the passenger was transferred after the flight to de-
15 termine whether the passenger was released from
16 the facility and the final condition of the passenger;
17 and

18 “(2) include information obtained pursuant to
19 paragraph (1) in the report.

20 **“§ 41765. Family notification**

21 “(a) RESPONSIBILITIES OF AIR CARRIER.—

22 “(1) INITIAL NOTICE.—As soon as practicable
23 after the time of an in-flight medical emergency in-
24 volving a passenger of an air carrier, the air carrier

1 shall notify the family of the passenger about the
2 emergency.

3 “(2) COPY OF REPORT SUBMITTED TO SEC-
4 RETARY.—Not later than 1 week after the date of
5 the emergency, the air carrier shall provide to the
6 family of the passenger a complete copy of the re-
7 port concerning the emergency submitted to the Sec-
8 retary pursuant to section 41764(a) of this title.

9 “(b) RESPONSIBILITIES OF THE SECRETARY.—

10 “(1) APPOINTMENT OF LIAISON.—Not later
11 than 48 hours after an in-flight medical emergency,
12 the Secretary shall appoint an individual within the
13 Department of Transportation to serve as a liaison
14 to family members of the passenger.

15 “(2) COPY OF REPORT SUBMITTED BY AIR
16 TRAFFIC.—Not later than 1 week after the date of
17 the medical emergency, the Secretary shall provide
18 to the family of the passenger a copy of any report
19 concerning the emergency submitted to the Sec-
20 retary by an air traffic controller pursuant to section
21 41764(b) of this title.

22 **“§ 41766. Compliance**

23 “(a) REVIEW OF AIR CARRIER COMPLIANCE.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 the date of the enactment of this subchapter, the

1 Secretary shall conduct a review of the compliance
2 of each air carrier with the requirements of this sub-
3 chapter.

4 “(2) CONTENTS OF REVIEW.—In conducting a
5 review of an air carrier under subsection (a), the
6 Secretary, at a minimum, shall—

7 “(A) review the in-flight medical emer-
8 gency procedures of the air carrier;

9 “(B) review the in-flight medical emer-
10 gency procedures manual of the air carrier;

11 “(C) conduct checks to determine whether
12 life-saving equipment are in proper working
13 order and whether first-aid kits and medical
14 kits of the air carrier are fully stocked; and

15 “(D) conduct checks to determine whether
16 emergency call buttons on aircraft operated by
17 the air carrier are operational.

18 “(b) REVIEW OF AIRPORT COMPLIANCE.—Not later
19 than 1 year after the date of the enactment of this sub-
20 chapter, the Secretary shall conduct a review of the proce-
21 dures established at each airport for meeting passengers
22 with medical emergencies.

23 **“§ 41767. Studies**

24 “(a) STATISTICS ON IN-FLIGHT MEDICAL EMER-
25 GENCIES.—

1 “(1) IN GENERAL.—The Secretary shall keep
2 statistics on the number of in-flight medical emer-
3 gencies occurring each year based on reports submit-
4 ted to the Secretary by air carriers and air traffic
5 controllers and shall make such statistics available
6 to the public.

7 “(2) ANNUAL LIST.—The Secretary shall pub-
8 lish on an annual basis in the Federal Register a list
9 of the number of in-flight emergencies occurring in
10 the preceding year. Such list shall categorize such
11 emergencies by type of illness, type of treatment af-
12 forded, whether or not the aircraft was rerouted,
13 and the final condition of the passenger.

14 “(b) USE OF SATELLITE COMMUNICATIONS.—

15 “(1) STUDY.—The Secretary shall conduct a
16 study of the feasibility of using satellite communica-
17 tions of Global Position Satellites as a method of im-
18 proving communications between pilots, ground med-
19 ical personnel, and air traffic controllers.

20 “(2) REPORT.—Not later than 1 year after the
21 date of the enactment of this subchapter, the Sec-
22 retary shall transmit to Congress a report on the re-
23 sults of the study conducted under paragraph (1).

1 **“§ 41768. Limitations on liability**

2 “(a) LIABILITY OF AIR CARRIERS.—An air carrier
3 shall not be liable for damages in any action brought in
4 a Federal or State court arising out of the performance
5 of the air carrier in obtaining or attempting to obtain the
6 assistance of a medically-qualified passenger in the case
7 of an in-flight medical emergency.

8 “(b) LIABILITY OF INDIVIDUALS.—An individual
9 shall not be liable for damages in any action brought in
10 a Federal or State court arising out of the performance
11 of the individual in providing or attempting to provide
12 medical treatment in the case of an in-flight medical emer-
13 gency.

14 **“§ 41769. Definitions**

15 In this subchapter, the following definitions apply:

16 “(1) FIRST-AID KIT.—The term ‘first-aid kit’
17 means a kit that includes standard supplies com-
18 monly found in a physicians bag, including
19 endotrachial tubing, bicarbonate of soda, and such
20 additional items as the Secretary determines appro-
21 priate.

22 “(2) IN-FLIGHT MEDICAL EMERGENCY.—The
23 term ‘in-flight medical emergency’ means a medical
24 emergency occurring during a flight in air transpor-
25 tation or intrastate air transportation.

1 “(3) MEDICAL EMERGENCY.—The term ‘medi-
2 cal emergency’ includes—

3 “(A) heart emergencies, including cardiac
4 arrest;

5 “(B) lack of breathing or shortness of
6 breath;

7 “(C) loss of consciousness;

8 “(D) stroke;

9 “(E) profuse bleeding;

10 “(F) shock; and

11 “(G) such other emergencies as the Sec-
12 retary determines appropriate.

13 “(4) MEDICAL KIT.—The term ‘medical kit’
14 means a kit that includes—

15 “(A) a portable defibrillator;

16 “(B) portable oxygen bottles (or canisters)
17 and tubing (with necessary endotracheal
18 masks);

19 “(C) lidocaine;

20 “(D) epinephrine;

21 “(E) nitroglycerine tablets; and

22 “(F) such additional items as the Sec-
23 retary determines appropriate.

24 “(5) ON-GROUND MEDICAL CONTRACTOR.—The
25 term ‘on-ground medical contractor’ means a medi-

1 cal care provider with which an air carrier has en-
2 tered into a contract under section 41761(e) of this
3 title.

4 “(6) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of Transportation.”.

6 (b) CONFORMING AMENDMENT.—The table of sec-
7 tions for such chapter is amended by adding at the end
8 the following:

“SUBCHAPTER III—IN-FLIGHT MEDICAL EMERGENCIES

- “41761. Treatment of in-flight medical emergencies.
- “41762. Ground procedures.
- “41763. Aircraft specifications.
- “41764. Incident reports.
- “41765. Family notification.
- “41766. Compliance.
- “41767. Studies.
- “41768. Limitations on liability.
- “41769. Definitions.”.

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