

106TH CONGRESS
2D SESSION

H. R. 5323

To direct the Administrator of the Federal Aviation Administration to require automatic external defibrillators in terminals at certain airports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2000

Mr. LIPINSKI (for himself, Mr. DUNCAN, and Mr. COSTELLO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Federal Aviation Administration to require automatic external defibrillators in terminals at certain airports, 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 “Airport Medical Assist-
5 ance Act of 2000”.

6 **SEC. 2. AUTOMATIC EXTERNAL DEFIBRILLATORS IN AIR-**
7 **PORT TERMINALS.**

8 (a) WITHDRAWAL OF NOTICE.—Not later than 30
9 days after the date of enactment of this Act, the Adminis-

1 trator of the Federal Aviation Administration shall with-
2 draw the notice of decision of the Administration pub-
3 lished in the Federal Register on June 6, 2000 (65 Fed.
4 Reg. 35971), relating to automatic external defibrillators
5 at airports.

6 (b) PUBLICATION OF REGULATIONS.—

7 (1) IN GENERAL.—The Administrator shall
8 issue regulations to require automatic external
9 defibrillators in terminals at airports with 100,000
10 or more annual enplanements.

11 (2) DEADLINES.—The Administrator shall
12 issue—

13 (A) proposed regulations under paragraph
14 (1) not later than 180 days after the date of
15 enactment of this Act; and

16 (B) final regulations under paragraph (1)
17 not later than 1 year after the date of enact-
18 ment of this Act.

19 **SEC. 3. GUIDELINES.**

20 (a) GUIDELINES.—The Administrator of the Federal
21 Aviation Administration shall establish guidelines with re-
22 spect to the provision and use of automated external
23 defibrillators in terminals at airports.

24 (b) INFORMATION.—The guidelines shall contain in-
25 formation concerning the following:

1 (1) The extent to which automated external
2 defibrillators may be operated by lay persons.

3 (2) The number of defibrillators required for
4 airports of different sizes.

5 (3) The appropriate placement of defibrillators
6 at airports, taking into account the security needs of
7 airports and response time for victims.

8 (4) Such other factors as the Administrator de-
9 termines appropriate.

10 (c) RECOMMENDED PROCEDURES.—The guidelines
11 shall contain recommended procedures for the following:

12 (1) Implementing training programs, in coordi-
13 nation with appropriate licensed professionals, on
14 the role of cardiopulmonary resuscitation and the
15 use of automated external defibrillators.

16 (2) Proper maintenance and testing of auto-
17 mated external defibrillators.

18 (3) Ensuring coordination with local emergency
19 medical systems regarding placement, use, and type
20 of automated external defibrillators.

21 (4) Such other areas as the Administrator de-
22 termines appropriate.

23 (d) PUBLICATION.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator shall
25 publish the guidelines in the Federal Register.

1 **SEC. 4. GOOD SAMARITAN PROTECTIONS REGARDING**
2 **EMERGENCY USE OF AUTOMATED EXTERNAL**
3 **DEFIBRILLATORS AT AIRPORTS.**

4 (a) **PERSONS USING AEDS.**—Except as provided by
5 subsection (c), any person who uses an automated external
6 defibrillator device on a victim of a perceived medical
7 emergency at an airport is immune from civil liability for
8 any harm resulting from the use of the device.

9 (b) **PERSONS ACQUIRING AEDS.**—

10 (1) **IN GENERAL.**—Except as provided by sub-
11 section (c), in addition to a person who uses an
12 automated external defibrillator device on a victim of
13 a perceived medical emergency at an airport, any
14 person who acquired the device is immune from civil
15 liability for any harm resulting from the use of the
16 device, if the harm was not due to the failure of the
17 person who acquired the device—

18 (A) to notify local emergency response per-
19 sonnel or other appropriate entities of the most
20 recent placement of the device within a reason-
21 able period of time after the device was placed;

22 (B) to properly maintain and test the de-
23 vice; or

24 (C) except as provided by paragraph (2),
25 to provide appropriate training in the use of the
26 device to an employee or agent of the acquirer

1 when the employee or agent was the person who
2 used the device on the victim.

3 (2) EXCEPTIONS TO TRAINING REQUIRE-
4 MENTS.—The requirement of paragraph (1)(C) shall
5 not apply if—

6 (A) the employee or agent who used the
7 device was not an employee or agent who would
8 have been reasonably expected to use the device;
9 or

10 (B) the period of time elapsing between
11 the engagement of the person as an employee or
12 agent and the occurrence of the harm (or be-
13 tween the acquisition of the device and the oc-
14 currence of the harm, in any case in which the
15 device was acquired after such engagement of
16 the person) was not a reasonably sufficient pe-
17 riod in which to provide the training.

18 (c) INAPPLICABILITY OF IMMUNITY.—Immunity
19 under subsection (a) or (b) does not apply to a person
20 if the harm involved was caused by willful or criminal mis-
21 conduct, gross negligence, reckless misconduct, or a con-
22 scious, flagrant indifference to the rights or safety of the
23 victim who was harmed.

24 (d) APPLICABILITY OF STATE LAWS.—With respect
25 to a class of persons for which this section provides immu-

1 nity from civil liability, this section supersedes the law of
2 a State only to the extent that the State has no law or
3 regulation that provides persons in such class with immu-
4 nity for civil liability arising from the use by such persons
5 of automated external defibrillator devices in emergency
6 situations (within the meaning of the State law or regula-
7 tion involved).

8 **SEC. 5. ELIGIBILITY FOR AIP FUNDING.**

9 Section 47102(3)(B) of title 49, United States Code,
10 is amended—

11 (1) by striking “and” at the end of clause (viii);

12 (2) by striking the period at the end of clause
13 (ix) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(x) automatic external defibrillators,
16 as defined in section 6 of the Airport Med-
17 ical Assistance Act of 2000.”.

18 **SEC. 6. DEFINITIONS.**

19 In this Act, the following definitions apply:

20 (1) AIRPORT.—The term “airport” has the
21 meaning given such term in section 40102 of title
22 49, United States Code.

23 (2) AUTOMATED EXTERNAL DEFIBRILLATOR.—

24 The term “automated external defibrillator” means
25 a defibrillator that—

1 (A) is commercially distributed in accord-
2 ance with the Federal Food, Drug, and Cos-
3 metic Act;

4 (B) is capable of recognizing the presence
5 or absence of ventricular fibrillation, and is ca-
6 pable of determining without intervention by
7 the user of the defibrillator whether
8 defibrillation should be performed;

9 (C) upon determining that defibrillation
10 should be performed, is able to deliver an elec-
11 trical shock to an individual; and

12 (D) in the case of a defibrillator that may
13 be operated in either an automated or a manual
14 mode, is set to operate in the automated mode.

15 (3) PERCEIVED MEDICAL EMERGENCY.—The
16 term “perceived medical emergency” means cir-
17 cumstances in which the behavior of an individual
18 leads a reasonable person to believe that the indi-
19 vidual is experiencing a life-threatening medical con-
20 dition that requires an immediate medical response
21 regarding the heart or other cardiopulmonary func-
22 tioning of the individual.

23 (4) PERSON.—The term “person” includes a
24 governmental entity.

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