

1-1 By: Nelson S.B. No. 199
1-2 (In the Senate - Filed November 16, 2020; March 3, 2021,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; March 22, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 March 22, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Kolkhorst	X		
1-10	Perry	X		
1-11	Blanco	X		
1-12	Buckingham	X		
1-13	Campbell	X		
1-14	Hall	X		
1-15	Miles		X	
1-16	Powell	X		
1-17	Seliger	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 199 By: Buckingham

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to automated external defibrillators.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 779.003, Health and Safety Code, is
1-24 amended to read as follows:

1-25 Sec. 779.003. ACQUISITION, MAINTENANCE, AND INSPECTION OF
1-26 AUTOMATED EXTERNAL DEFIBRILLATOR. A person or entity that owns or
1-27 leases an automated external defibrillator shall:

1-28 (1) ensure a licensed physician is involved in the
1-29 acquisition of the automated external defibrillator in accordance
1-30 with this chapter;

1-31 (2) maintain and test the automated external
1-32 defibrillator according to the manufacturer's guidelines; and

1-33 (3) conduct a monthly inspection to verify the
1-34 automated external defibrillator:

1-35 (A) is placed at its designated location;

1-36 (B) reasonably appears to be ready for use; and

1-37 (C) does not reasonably appear to be damaged in a
1-38 manner that could prevent operation.

1-39 SECTION 2. Section 779.006, Health and Safety Code, is
1-40 amended to read as follows:

1-41 Sec. 779.006. LIABILITY EXEMPTION. (a) Unless the conduct
1-42 is wilfully or wantonly negligent, a [The prescribing] physician
1-43 who prescribes or is otherwise involved in [authorizes] the
1-44 acquisition of an automated external defibrillator and any [in
1-45 accordance with this chapter, a] person or entity that provides
1-46 [approved] training in the use of an automated external
1-47 defibrillator [in accordance with this chapter, and the person or
1-48 entity that acquires the automated external defibrillator and meets
1-49 the requirements of this chapter] are not liable for civil damages
1-50 related to:

1-51 (1) the [for such] prescription, [training, or]
1-52 acquisition, or training in the use of the automated external
1-53 defibrillator; or

1-54 (2) any use or attempted use of or the failure to use
1-55 the automated external defibrillator [unless the conduct is
1-56 wilfully or wantonly negligent].

1-57 (b) Any person or entity that acquires an automated external
1-58 defibrillator and any person or entity that owns, occupies,
1-59 manages, or is otherwise responsible for the designated location
1-60 where the automated external defibrillator is placed are not liable

2-1 ~~for civil damages related to the use or attempted use of or the~~
2-2 ~~failure to use the automated external defibrillator unless the~~
2-3 ~~conduct is wilfully or wantonly negligent [and negligently fails to~~
2-4 ~~comply with the requirements of this chapter is liable for civil~~
2-5 ~~damages caused by such negligence].~~

2-6 (c) The immunity provided by this section is in addition to
2-7 any other immunity or limitations of liability provided by other
2-8 law.

2-9 (d) The immunity described by this section applies
2-10 regardless of whether the person who uses, attempts to use, or fails
2-11 to use the automated external defibrillator received training in
2-12 the use of an automated external defibrillator.

2-13 SECTION 3. Section 21.0541, Education Code, is amended to
2-14 read as follows:

2-15 Sec. 21.0541. CONTINUING EDUCATION CREDIT FOR INSTRUCTION
2-16 RELATED TO USE OF AUTOMATED EXTERNAL DEFIBRILLATOR. The board
2-17 shall adopt rules allowing an educator to receive credit towards
2-18 the educator's continuing education requirements for completion of
2-19 an instructional course on the use of an automated external
2-20 defibrillator that meets any ~~[the]~~ guidelines for automated
2-21 external defibrillator training approved by the board ~~[under~~
2-22 ~~Section 779.002, Health and Safety Code].~~

2-23 SECTION 4. The following provisions are repealed:

2-24 (1) Section 22.902(b), Education Code; and

2-25 (2) Section 779.002, Health and Safety Code.

2-26 SECTION 5. This Act takes effect September 1, 2021.

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