

FILED

2010 MAR 31 PM 4: 50

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SB 422

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 422

(SENATORS FOSTER, UNGER
AND LAIRD, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 422

(SENATORS FOSTER, UNGER AND LAIRD, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §16-4D-4 of the Code of West Virginia, 1931, as amended, relating to limiting liability for anticipated automatic external defibrillator users who are not health care providers.

Be it enacted by the Legislature of West Virginia:

That §16-4D-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4D. AUTOMATED EXTERNAL DEFIBRILLATORS.

§16-4D-4. Limitation on liability.

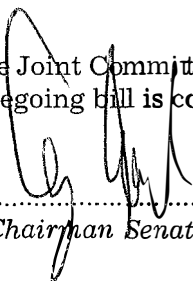
1 A person is not liable for civil damages as a result of any
2 act or omission in rendering emergency medical care or
3 treatment involving the use of an AED if the care or
4 treatment does not amount to gross negligence and the
5 following conditions are met:

6 (1) The person, entity, certified trainer or medical
7 director of the early defibrillation program is in compli-
8 ance with the provisions of section three of this article;
9 and

10 (2) The person is an anticipated operator of an AED who
11 gratuitously and in good faith rendered emergency
12 medical care, pursuant to the requirements of section three
13 of this article, other than in the ordinary course of the
14 person's employment or profession as a health care
15 provider, as defined in section two, article two-d of this
16 chapter; or

17 (3) The person is an unanticipated operator who gratu-
18 itously and in good faith rendered emergency medical
19 care.

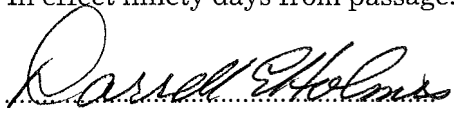
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee

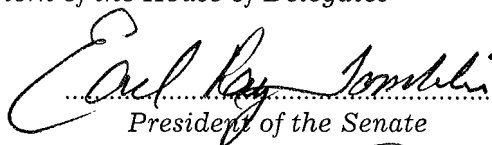

.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

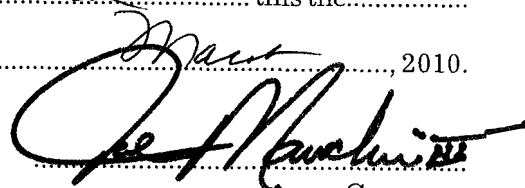

.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within *is approved* this the *3/18*
Day of , 2010.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2010

Time 3:45 p