

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 102**

As Amended by House Committee on  
Health and Human Services

**Brief\***

SB 102, as amended, would delete the definition and requirement that only a “qualified person” may use an automated external defibrillator. Any person using an automated external defibrillator in good faith to render emergency care or treatment would be held harmless from any civil damages as a result of such care or treatment. Removal of the “qualified person” definition also would permit a person or entity that provides an automated external defibrillator for use by others, to allow any person to use the defibrillator. The bill further removes the word “gratuitously” as one of the conditions under which a person can provide emergency medical care or treatment and be held harmless from any civil damages as a result of such care or treatment.

**Background**

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of the Kansas Department of Health and Environment. Proponents of the bill included the Interim Director of the Division of Health, Kansas Department of Health and Environment, who stated that the current statute provides immunity only for those deemed as “qualified persons” and that the purpose of the bill was to extend the immunity protection to “lay responders.” The Interim Director further stated that the recent technology for automated external defibrillators (AEDs) has made them an important medical tool that non-medical personnel can use easily. Other

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

proponents included the Chairman of the Kansas Advocacy Committee, American Heart Association; a volunteer from the Kansas Heart Disease and Stroke Prevention Program; the Staff Attorney, League of Kansas Municipalities; a representative from the Kansas Board of Emergency Medical Services; and private citizens. There were no opponents to the bill at the Committee hearing.

The Senate Committee recommended a clarifying amendment by deleting the descriptor, "gratuitously."

The House Committee on Health and Human Services recommended an amendment to clarify the liability provision and conform with the deletion of "qualified person."

The fiscal note prepared by the Division of the Budget on the original bill states that the Board of Emergency Medical Services and the Kansas Department of Health and Environment indicated that the enactment of the bill would have no fiscal effect on agency operations.