

ASSEMBLY BILL

No. 2041

Introduced by Assembly Member Vargas

February 15, 2002

An act to amend Section 1714.21 of the Civil Code, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2041, as introduced, Vargas. Liability: emergency care.

Existing law provides immunity from civil liability to any person who completes a basic cardiopulmonary resuscitation (CPR) or automatic external defibrillator (AED) course that complies with regulations adopted by the Emergency Medical Services Authority and the standards of the American Heart Association or the American Red Cross, and who, in good faith, renders emergency care at the scene of an emergency, without the expectation of receiving compensation for providing the emergency care. Existing law further provides immunity from civil liability to a person or entity that provides CPR and AED training to a person rendering emergency care, to a physician who is involved with the placement of an AED, and to a person or entity responsible for the site where an AED is located, if that physician, person, or entity has complied with certain requirements. Existing law provides that its protections do not apply in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care by the use of an AED.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1714.21 of the Civil Code is amended
2 to read:
3 1714.21. (a) For purposes of this section, the following
4 definitions shall apply:
5 (1) “AED” or “defibrillator” means an automated or
6 automatic external defibrillator.
7 (2) “CPR” means cardiopulmonary resuscitation.
8 (b) A person who has completed a basic CPR and AED use
9 course that complies with regulations adopted by the Emergency
10 Medical Services (EMS) Authority and the standards of the
11 American Heart Association or the American Red Cross for CPR
12 and AED use, and who, in good faith and not for compensation,
13 renders emergency care or treatment by the use of an AED at the
14 scene of an emergency shall not be liable for any civil damages
15 resulting from any acts or omissions in rendering the emergency
16 care.
17 (c) A person or entity who provides CPR and AED training to
18 a person who renders emergency care pursuant to subdivision (b)
19 shall not be liable for any civil damages resulting from any acts or
20 omissions of the person rendering the emergency care.
21 (d) A physician who is involved with the placement of an AED
22 and any person or entity responsible for the site where an AED is
23 located shall not be liable for any civil damages resulting from any
24 acts or omissions of a person who renders emergency care pursuant
25 to subdivision (b), if that physician, person, or entity has complied
26 with all *of the* requirements of Section 1797.196 of the Health and
27 Safety Code that apply to that physician, person, or entity.
28 (e) The protections specified in this section shall not apply in
29 the case of personal injury or wrongful death that results from the
30 gross negligence or willful or wanton misconduct of the person
31 who renders emergency care or treatment by the use of an AED.
32 (f) Nothing in this section shall relieve a manufacturer,
33 designer, developer, distributor, installer, or supplier of an AED or



1 defibrillator of any liability under any applicable statute or rule of
2 law.

O

