



OFFICE OF THE GOVERNOR
GUAM

MAR 24 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By *Joanne M. S. Brown*
Time 10:35am
Date 3.27.00

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 220 (COR), "AN ACT TO ADD CHAPTER 96 TO DIVISION 4, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PUBLIC ACCESS TO AUTOMATED EXTERNAL DEFIBRILLATORS", which I have signed into law today as Public Law No. 25-113.

This legislation establishes a manner for members of the public to obtain and use defibrillators, devices which administer an electrical impulse to an individual's heart in order to stop conditions in which the heart's electrical impulses become chaotic and the heartbeat is arrhythmic or even stops.

The devices are used in emergency care, and often save a person's life when they are away from a hospital or even a doctor's care.

This legislation sets up a requirement for persons who will use defibrillators to undergo a knowledge and skills course based upon current American Heart Association scientific guidelines, standards, and recommendations. Those who are trained and use the defibrillators must report the usage of the devices.

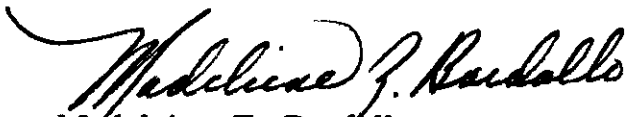
The legislation is analogous to situations where persons who take first aid or first responder courses become competent in furnishing an emergency

00840

technique when needed and therefore are able to save lives in emergency situations. This will also allow those who learn the technique to save lives.

There are 2 amendments which will need to be made to the legislation. The first is to the definition of defibrillators, since some are fully automatic and some are manual. The second amendment is that the proper place for persons who use the devices to report their use is to the Office of Emergency Services at the Department of Public Health and Social Services, rather than reporting the use to the 911 center.

Very truly yours,



Madeleine Z. Bordallo
I Maga'Lahen Guåhan, Akto
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

cc: The Honorable A.R. Unpingco
 Speaker

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

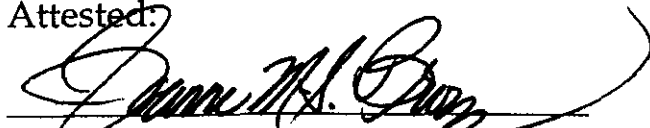
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 220 (COR) "AN ACT TO ADD CHAPTER 96 TO DIVISION 4, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PUBLIC ACCESS TO AUTOMATED EXTERNAL DEFIBRILLATORS," was on the 9th day of March 2000, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:



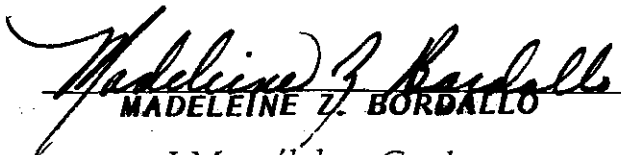
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 14th day of March, 2000,
at 2:35 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



MADELEINE Z. BORDALLO
Akto I Maga'lahaen Guahan

Date: 3/29/2000

Public Law No. 25-113

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 220 (COR)

As amended on the Floor.

Introduced by:

L. F. Kasperbauer

S. A. Sanchez, II

V. C. Pangelinan

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

M. G. Camacho

Mark Forbes

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

J. C. Salas

A. R. Unpingco

**AN ACT TO ADD CHAPTER 96 TO DIVISION 4,
PART 2 OF TITLE 10 OF THE GUAM CODE
ANNOTATED, RELATIVE TO PROVIDING FOR
PUBLIC ACCESS TO AUTOMATED EXTERNAL
DEFIBRILLATORS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** Chapter 96 is hereby *added* to Division 4, Part 2 of Title 10 of
3 the Guam Code Annotated to read as follows:

4 **"CHAPTER 96.**

5 **THE PUBLIC ACCESS TO AUTOMATED EXTERNAL DEFIBRILLATION**
6 **ACT OF 2000.**

7 **Section 96101. Short Title.** This Act may be cited as
8 '*The Public Access to Automated External Defibrillation Act of 2000.*'

9 **Section 96102. Legislative Intent.** *I Liheslaturan*
10 *Guåhan* finds that early defibrillation can sustain the life of, and
11 temporarily stabilize, a person in cardiac arrest, and that early
12 defibrillation operates as an extension of a physician in sustaining the
13 life of and stabilizing a person in cardiac arrest, thus helping to preserve
14 the Guam family.

15 It is the intent of *I Liheslaturan Guåhan* that the public have access
16 to automated external defibrillators for the purpose of saving the lives
17 of persons in cardiac arrest.

18 **Section 96103. Definitions.** For purposes of this Act:

19 (a) '*Automated external defibrillator*' ('AED') means a device
20 which:

21 (1) is used to administer an electric shock through
22 the chest wall to the heart;

1 (2) has built-in computers within the device to
2 assess the patient's heart rhythm, judge whether
3 defibrillation is needed and then administers the shock;

4 (3) has audible and/or visual prompts to guide the
5 user through the process;

6 (4) has received approval of its pre-market
7 modification, filed pursuant to 21 U.S.C. §360(k), from the
8 United States Food and Drug Administration;

9 (5) is capable of recognizing the presence or absence
10 of ventricular fibrillation and rapid ventricular tachycardia,
11 and is capable of determining, without intervention by an
12 operator, whether defibrillation should be performed;

13 (6) upon determining that defibrillation should be
14 performed, either automatically charges and delivers an
15 electrical impulse to an individual's heart, or charges and
16 delivers an electrical impulse at the command of the
17 operator; *and*

18 (7) in the case of a defibrillator that may be operated
19 in either an automatic or a manual mode, is set to operate in
20 the automatic mode.

21 (b) '*Cardiac arrest*' means a condition, often sudden, that is
22 due to abnormal heart rhythms called arrhythmias. It is generally
23 the result of some underlying form of heart disease.

1 (c) 'CPR' means a combination of rescue breathing and
2 chest compressions/external cardiac massage used to sustain a
3 person's life until advanced assistance arrives.

4 (d) 'Defibrillation' means administering an electrical
5 impulse to an individual's heart in order to stop ventricular
6 fibrillation or rapid ventricular tachycardia.

7 (e) 'Emergency medical services system' means the
8 transportation and medical care provided the critically ill or
9 injured *prior to* arrival at a medical facility by a certified
10 emergency medical technician, or other health care provider, and
11 continuation of the initial emergency care within a medical
12 facility, *subject to* the approval of the medical staff and governing
13 board of that facility.

14 (f) 'Medical authority' means a health services
15 organization or medical organization, with physician medical
16 direction.

17 (g) 'Physician' means a Guam-licensed Doctor of Medicine
18 ('M.D.') or Doctor of Osteopathy ('D.O.').

19 (h) 'Person' means any individual, partnership,
20 association, corporation or any organized group of persons
21 whether incorporated or not.

22 (i) 'Ventricular fibrillation' means the most common
23 arrhythmia that causes cardiac arrest. It is a condition in which
24 the heart's electrical impulses suddenly become chaotic, often

1 without warning, causing the heart's pumping action to stop
2 abruptly.

3 **Section 96104. Access by Public to Defibrillators.** (a) In
4 order to ensure the public health and safety, a person or entity who
5 acquires an AED shall ensure that:

6 (1) expected AED users complete a knowledge and
7 skills course in CPR and AED use based upon current
8 American Heart Association scientific guidelines, standards
9 and recommendations for providing CPR, and the use of
10 AEDs as published in the American Heart Association, the
11 American Red Cross, or equivalent course materials;

12 (2) the defibrillator is maintained and tested
13 according to the manufacturer's operational guidelines and
14 instructions;

15 (3) there is the involvement of a physician or
16 medical authority to the site's AED program to ensure
17 compliance with requirements for training, notification and
18 maintenance;

19 (4) any person who renders emergency care or
20 treatment on a person in cardiac arrest by using an AED
21 activates the emergency medical services system as soon as
22 possible, and reports any clinical use of the AED to the
23 physician or medical authority, as well as to emergency
24 medical services providers.

1 (b) Any person or entity who acquires an AED shall notify
2 an agent of emergency communications, 911, or vehicle dispatch
3 center of the existence, location and type of AED.

4 **Section 96105. AED Use and Tort Immunity.** (a) Any
5 person or entity who in good faith and without compensation renders
6 emergency care or treatment by the use of an automated external
7 defibrillator is immune from civil liability for any personal injury as a
8 result of the care or treatment, or as a result of any act or failure to act in
9 providing or arranging further medical treatment, if the person acts as
10 an ordinary, reasonably prudent person would have acted under the
11 same or similar circumstances.

12 (b) The immunity from civil liability for any personal
13 injury under Subsection (a) of this Section includes: (i) the
14 physician or medical authority who is involved with AED site
15 placement, (ii) the person or entity who provides the CPR and
16 AED training, and (iii) the person or entity responsible for the site
17 where the AED is located.

18 (c) The immunity from civil liability under Subsection (a)
19 of this Section does *not* apply if the personal injury results from
20 the gross negligence, or willful or wanton misconduct of the
21 person rendering the emergency care.”

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910



COPY

March 13, 2000

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 195(COR), 212(COR) and 220(COR) and Substitute Bill No. 360(COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on March 9, 2000.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanne M.S. Brown".

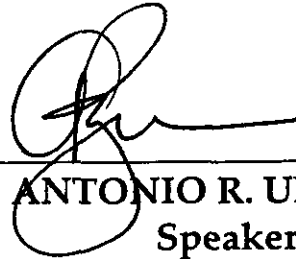
JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (4)

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 220 (COR) "AN ACT TO ADD CHAPTER 96 TO DIVISION 4, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PUBLIC ACCESS TO AUTOMATED EXTERNAL DEFIBRILLATORS," was on the 9th day of March 2000, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 14th day of March, 2000,
at 2:35 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session**

Bill No. 220 (COR)

As amended on the Floor.

Introduced by:

L. F. Kasperbauer

S. A. Sanchez, II

V. C. Pangelinan

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

M. G. Camacho

Mark Forbes

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

J. C. Salas

A. R. Unpingco

**AN ACT TO ADD CHAPTER 96 TO DIVISION 4,
PART 2 OF TITLE 10 OF THE GUAM CODE
ANNOTATED, RELATIVE TO PROVIDING FOR
PUBLIC ACCESS TO AUTOMATED EXTERNAL
DEFIBRILLATORS.**

1 (2) has built-in computers within the device to
2 assess the patient's heart rhythm, judge whether
3 defibrillation is needed and then administers the shock;

4 (3) has audible and/or visual prompts to guide the
5 user through the process;

6 (4) has received approval of its pre-market
7 modification, filed pursuant to 21 U.S.C. §360(k), from the
8 United States Food and Drug Administration;

9 (5) is capable of recognizing the presence or absence
10 of ventricular fibrillation and rapid ventricular tachycardia,
11 and is capable of determining, without intervention by an
12 operator, whether defibrillation should be performed;

13 (6) upon determining that defibrillation should be
14 performed, either automatically charges and delivers an
15 electrical impulse to an individual's heart, or charges and
16 delivers an electrical impulse at the command of the
17 operator; *and*

18 (7) in the case of a defibrillator that may be operated
19 in either an automatic or a manual mode, is set to operate in
20 the automatic mode.

21 (b) '*Cardiac arrest*' means a condition, often sudden, that is
22 due to abnormal heart rhythms called arrhythmias. It is generally
23 the result of some underlying form of heart disease.

1 (c) *'CPR'* means a combination of rescue breathing and
2 chest compressions/external cardiac massage used to sustain a
3 person's life until advanced assistance arrives.

4 (d) *'Defibrillation'* means administering an electrical
5 impulse to an individual's heart in order to stop ventricular
6 fibrillation or rapid ventricular tachycardia.

7 (e) *'Emergency medical services system'* means the
8 transportation and medical care provided the critically ill or
9 injured *prior to* arrival at a medical facility by a certified
10 emergency medical technician, or other health care provider, and
11 continuation of the initial emergency care within a medical
12 facility, *subject to* the approval of the medical staff and governing
13 board of that facility.

14 (f) *'Medical authority'* means a health services
15 organization or medical organization, with physician medical
16 direction.

17 (g) *'Physician'* means a Guam-licensed Doctor of Medicine
18 ('M.D.') or Doctor of Osteopathy ('D.O.').

19 (h) *'Person'* means any individual, partnership,
20 association, corporation or any organized group of persons
21 whether incorporated or not.

22 (i) *'Ventricular fibrillation'* means the most common
23 arrhythmia that causes cardiac arrest. It is a condition in which
24 the heart's electrical impulses suddenly become chaotic, often

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2 abruptly.

3 **Section 96104. Access by Public to Defibrillators.** (a) In
4 order to ensure the public health and safety, a person or entity who
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6 (1) expected AED users complete a knowledge and
7 skills course in CPR and AED use based upon current
8 American Heart Association scientific guidelines, standards
9 and recommendations for providing CPR, and the use of
10 AEDs as published in the American Heart Association, the
11 American Red Cross, or equivalent course materials;

12 (2) the defibrillator is maintained and tested
13 according to the manufacturer's operational guidelines and
14 instructions;

15 (3) there is the involvement of a physician or
16 medical authority to the site's AED program to ensure
17 compliance with requirements for training, notification and
18 maintenance;

19 (4) any person who renders emergency care or
20 treatment on a person in cardiac arrest by using an AED
21 activates the emergency medical services system as soon as
22 possible, and reports any clinical use of the AED to the
23 physician or medical authority, as well as to emergency
24 medical services providers.

**CLERK OF THE LEGISLATURE
TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN**

(Included in File w/ All Bills Transmitted)

BILL NO. 220 (cop)

FINAL PROOF-READING OF BLUEBACK COPY

Initialed by: _____ and Date: _____

- EXHIBITS ATTACHED
- CONFIRM NUMBER OF PAGES 6
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any

Confirmed By: _____ Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 03-18-02
Time: 10:20
Rec'd by: _____
Print Name: Antonio R. Unpingco

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 220 (COR) "AN ACT TO ADD CHAPTER 96 TO DIVISION 4, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PUBLIC ACCESS TO AUTOMATED EXTERNAL DEFIBRILLATORS," was on the 9th day of March 2000, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this _____ day of _____, 2000,
at _____ o'clock _____.M.

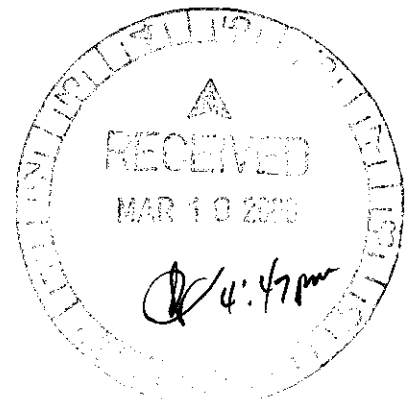
Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____



6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 3/9/00

VOTING SHEET

Bill No. 200 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.					✓
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL 14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



FILE

COPY

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

February 9, 2000

(DATE)

Memorandum

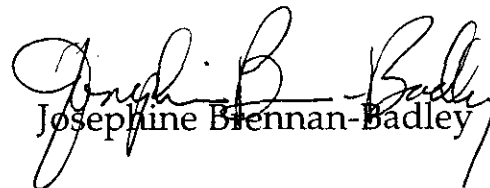
To: Senator LAWRENCE F. KASPERBAUER

From: Clerk of the Legislature

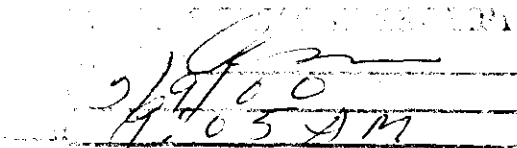
Subject: Report on Bill No. 220(COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 220(COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment


2/9/00
4:05 AM

I MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Committee on Health, Human Services and Chamorro Heritage
Kumiten Salut, Setbision Tinaotao yan Irensian Chamorro
Sinadot Simon A. Sanchez II, Ge'Hilo'

February 8, 2000

Speaker Antonio R. Unpingco
I Mina' Bente Singko Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guåhan 96910

Dear Mr. Speaker:

I Kumiten Salut, Setbision Tinaotao yan Irensian Chamoru has completed its evaluation of Bill 220 (COR) "An Act to add a new Chapter 96 to Title 10, Guam Code annotated relative to providing for public access to automated external defibrillators."

A public hearing was held on September 3, 1999.

Committee Members voted as follows:

To pass	<u>--8--</u>
Not to pass	<u>--0--</u>
Abstain	<u>--0--</u>
Inactive File	<u>--0--</u>

Consequently, the Committees submits its recommendation "**TO PASS**" Bill 220 (COR).

Your kind attention to this matter is immensely appreciated.

Saina Ma'åse' yan Magof Ha'ånen Yu'os,


SIMON A. SANCHEZ II

I MINA' BENTE SINGKO NA LIHESLATURAN GUÁHAN
Committee on Health, Human Services and Chamorro Heritage
Kumiten Salut, Setbision Tínaotao yan Irensian Chamorro
Sinadot Simon A. Sanchez II, Ge'Hilo'

February 2, 2000

MEMORANDUM

TO: Committee Members

FROM: Chairperson

SUBJECT: Committee Report – Bill 220 (COR) “An Act to add a new Chapter 96 to Title 10, Guam Code annotated relative to providing for public access to automated external defibrillators.”




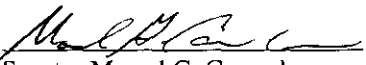
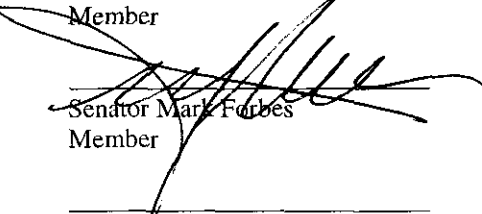
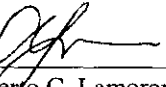
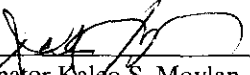

Attached hereto is the Committee Report for the Bill No. 220 (COR), for your review and consideration. Please call me if you need clarification or additional information. Then, please mark and sign the accompanying Voting Sheet.

Saina Ma'åse' yan Magof Ha'ånen Yu'os,


SIMON A. SANCHEZ II

VOTING SHEET

Bill 220 (COR) "An Act to add a new Chapter 96 to Title 10, Guam Code annotated relative to providing for public access to automated external defibrillators."

	To Pass	Not to Pass	Abstain	Inactive File
 Senator Simon A. Sanchez II Chairperson	✓			
 Senator Joanne M.S. Brown Vice Chairperson	✓			
_____ Senator Frank B. Aguon, Jr. Member				
 Senator Eulogio C. Bermudes Member	✓			
_____ Senator Anthony C. Blaz Member				
_____ Senator Eduardo B. Calvo Member				
 Senator Marcel G. Camacho Member	✓			
 Senator Mark Forbes Member	✓			
_____ Senator Lawrence F. Kasperbauer Member				
 Senator Alberto C. Lamorena V Member	✓			
_____ Senator Carlotta A. Leon Guerrero Member				
 Senator Kaleo S. Moylan Member	✓			
 Senator Vicente C. Pangelinan Member	✓			

*I Mina' Bente Singko na Liheslaturan Guåhan
Kumiten Salut, Setbision Tinaotao yan Irensian Chamorro*

**Committee Report
BILL NO. 220 (COR)**

AN ACT TO ADD A NEW CHAPTER 96 TO TITLE 10,
GUAM CODE ANNOTATED RELATIVE TO
PROVIDING FOR PUBLIC ACCESS TO
AUTOMATED EXTERNAL DEFIBRILLATORS.

Simon A. Sanchez II, Chairperson
Joanne M.S. Brown, Vice Chairperson

Members

Frank B. Aguon, Jr.

Anthony C. Blaz

Marcel G. Camacho

Lawrence F. Kasperbauer

Carlotta A. Leon Guerrero

Vicente C. Pangelinan

Eulogio C. Bermudes

Eduardo B. Calvo

Mark Forbes

Alberto C. Lamorena V

Kaleo S. Moylan

I. OVERVIEW

Bill No. 220 (COR) was referred to this Committee on July 12, 1999 for disposition. A public hearing was conducted on September 3, 1999 at 9:00 AM in the Legislative Public Hearing Room. The hearing attendance record is attached to this report.

II. COMMITTEE FINDINGS

The intent of this bill is to grant the public access to automated external defibrillators for the purpose of saving lives during a cardiac arrest. This measure would facilitate installation, and use, of AEDs in stadiums, shopping centers, hotels and other commercial establishments which take the initiative to offer on-the-spot life-saving equipment in a limited, yet timely, fashion.

There are a few expectations entailed in the law. The first is that AED users undergo a knowledge and skills course in CPR and AED based upon current American Heart Association scientific guidelines. The second is that the defibrillator be tested according to the manufacturers' recommendations. Third, involvement of a physician or medical authority is necessary to ensure compliance with requirements, training, notification and maintenance. The law also makes those who use the defibrillator, for purposes intended, immune to any civil liability except in cases of gross negligence or willful or wanton misconduct.

Christine Gyulavics-Reyes, representing the government of Guam's Emergency Medical Technician training and regulatory program, testified in support of the Bill. She did point out to the Committee that training resources in Guam were limited, a point those business establishments interested in these devices must address and overcome so that the use of defibrillators is both efficient and effective.

III. COMMITTEE RECOMMENDATIONS

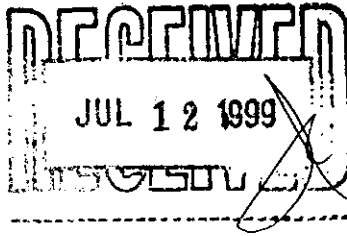
The Committee on Health, Human Services, and Chamorro Heritage recommends to the full body, on the voting of Bill 220 "An Act to add a new Chapter 96 to Title 10, Guam Code annotated relative to providing for public access to automated external defibrillators." **"TO PASS."**



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurát*

JUL 1 2 1999



MEMORANDUM

TO: Chairman
Committee on Health, Human Services & Chamorro Heritage

FROM: Chairman *[Signature]*
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 220

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Introduced by

MAY 17 1999

Bill No. 220/c of

Introduced by:

L.F. Kasperbauer *LK*
S.A. Sanchez, II *SAs II*

**AN ACT ADD A NEW CHAPTER 96 TO TITLE 10, GUAM
CODE ANNOTATED RELATIVE TO PROVIDING FOR
PUBLIC ACCESS TO AUTOMATED EXTERNAL
DEFIBRILLATORS.**

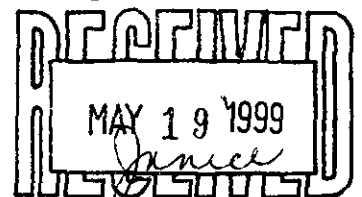
BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 96 is hereby added to Title 10, Guam Code
Annotated to read:

§96101. Short Title. This act may be cited as "The Public Access to
Automated External Defibrillation Act of 1999."

§96102. Legislative Intent. I Liheslaturan Guåhan finds that early
defibrillation can sustain the life of and temporarily stabilize a person in cardiac
arrest, and that early defibrillation operates as an extension of a physician in
sustaining the life of and stabilizing a person in cardiac arrest, thus helping to
preserve the Guam family.

It is the intent of I Liheslaturan Guåhan that the public have access to
automated external defibrillators for the purpose of saving the lives of persons in
cardiac arrest.



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§96103. Definitions. For purposes of this act:

(a) *Automated External Defibrillator (AED)* means a device which:

(1) is used to administer an electric shock through the chest wall to the heart;

(2) has built-in computers within the device to assess the patient's heart rhythm, judge whether defibrillation is needed and then administers the shock;

(3) has audible and/or visual prompts to guide the user through the process;

(4) has received approval of its premarket modification, filed pursuant to 21 U.S.C. Section 360 (k), from the United States Food and Drug Administration;

(5) is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

(6) upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual's heart, or charges and delivers an electrical impulse at the command of the operator; and

(7) in the case of a defibrillator that may be operated in either an automatic or a manual mode, is set to operate in the automatic mode.

(b) *Cardiac arrest* means a condition, often sudden, that is due to abnormal heart rhythms called arrhythmias. It is generally the result of some underlying form of heart disease.

1 (c) *CPR* means a combination of rescue breathing and chest
2 compressions/external cardiac massage used to sustain a person's life until
3 advanced assistance arrives.

4 (d) *Defibrillation* means administering an electrical impulse to an
5 individual's heart in order to stop ventricular fibrillation or rapid ventricular
6 tachycardia.

7 (e) *Emergency medical services system* means the transportation and
8 medical care provided the critically ill or injured prior to arrival at a medical
9 facility by a certified emergency medical technician or other health care
10 provider and continuation of the initial emergency care within a medical
11 facility subject to the approval of the medical staff and governing board of
12 that facility.

13 (f) *Medical authority* means a health services organization or medical
14 organization, with physician medical direction.

15 (g) *Physician* means a Guam licensed doctor of Medicine (M.D.) or
16 Doctor of Osteopathy (D.O.).

17 (h) *Person* means any individual, partnership, association,
18 corporation or any organized group of persons whether incorporated or not.

19 (i) *Ventricular fibrillation* means the most common arrhythmia that
20 causes cardiac arrest. It is a condition in which the heart's electrical
21 impulses suddenly become chaotic, often without warning, causing the
22 heart's pumping action to stop abruptly.

23
24 **§96104. Access by the public to defibrillators.** (a) In order to ensure the
25 public health and safety, a person or entity who acquires an AED shall ensure that:

1 (1) expected AED users complete a knowledge and skills course in CPR and
2 AED use based upon current American Heart Association scientific guidelines,
3 standards, and recommendations for providing CPR and the use of AEDs as
4 published in American Heart Association, American Red Cross, or equivalent
5 course materials;

6 (2) the defibrillator is maintained and tested according to the manufacturer's
7 operational guidelines and instructions;

8 (3) there is the involvement of a physician or medical authority to the site's
9 AED program to ensure compliance with requirements for training, notification,
10 and maintenance;

11 (4) any person who renders emergency care or treatment on a person in
12 cardiac arrest by using an AED activates the emergency medical services system
13 as soon as possible, and reports any clinical use of the AED to the physician or
14 medical authority as well as to emergency medical services providers.

15 (b) Any person or entity who acquires an AED shall notify an agent of
16 emergency communications, 911, or vehicle dispatch center of the existence,
17 location, and type of AED.

18 **§96105. AED use and tort immunity.** (a) Any person or entity who in
19 good faith and without compensation renders emergency care or treatment by the
20 use of an automated external defibrillator is immune from civil liability for any
21 personal injury as a result of the care or treatment, or as a result of any act or
22 failure to act in providing or arranging further medical treatment, if the person acts
23 as an ordinary, reasonably prudent person would have acted under the same or
24 similar circumstances.

25 (b) The immunity from civil liability for any personal injury under (a) of
26 this section includes: the physician or medical authority who is involved with

1 AED site placement, the person or entity who provides the CPR and AED training,
2 and the person or entity responsible for the site where the AED is located.

3 (c) The immunity from civil liability under (a) of this section does not apply
4 if the personal injury results from the gross negligence or willful or wanton
5 misconduct of the person rendering the emergency care.

I MINA BENTE SINGKO NA LIHESLATURAN GUAHAN
Committee on Health, Human Services and Chamorro Heritage
Kumiten Salut, Setbision Tinaotao yan Irensian Chamorro

TESTIMONY RECORD for

PUBLIC HEARING, September 3, 1999, 9:00 AM, Legislative Hearing Room, Hagåtña, Guam
Bill No. 220 – An act to add a new Chapter 96 to Title 10, Guam Code Annotated relative to providing for public access to automated external defibrillators; by L.F. Kasperbauer and S.A. Sanchez II.

<u>Christine Gyulavics Reyes DPHSS</u>		WRITTEN or ORAL Testimony? [please circle one or both]
NAME <u>P.O. Box 2016</u>	ORGANIZATION <u>EMSO</u>	
<u>Hagåtña Guam</u>	<u>735-7303/4</u>	<input checked="" type="radio"/> FOR or AGAINST? [please circle one]
MAILING ADDRESS	CONTACT NUMBER(S)	

_____	_____	WRITTEN or ORAL Testimony? [please circle one or both]
NAME	ORGANIZATION	
_____	_____	FOR or AGAINST? [please circle one]
MAILING ADDRESS	CONTACT NUMBER(S)	

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MAILING ADDRESS	CONTACT NUMBER(S)	

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

MAY 17 1999

Bill No. 220 EOP

Introduced by:

L.F. Kasperbauer *LFK*
S.A. Sanchez, II *SAST*

**AN ACT ADD A NEW CHAPTER 96 TO TITLE 10, GUAM
CODE ANNOTATED RELATIVE TO PROVIDING FOR
PUBLIC ACCESS TO AUTOMATED EXTERNAL
DEFIBRILLATORS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Chapter 96 is hereby added to Title 10, Guam Code
3 Annotated to read:

4 **§96101. Short Title.** This act may be cited as "The Public Access to
5 Automated External Defibrillation Act of 1999."
6

7 **§96102. Legislative Intent.** I Liheslaturan Guåhan finds that early
8 defibrillation can sustain the life of and temporarily stabilize a person in cardiac
9 arrest, and that early defibrillation operates as an extension of a physician in
10 sustaining the life of and stabilizing a person in cardiac arrest, thus helping to
11 preserve the Guam family.

12 It is the intent of I Liheslaturan Guåhan that the public have access to
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9 (3) has audible and/or visual prompts to guide the user through the
10 process;

11 (4) has received approval of its premarket modification, filed
12 pursuant to 21 U.S.C. Section 360 (k), from the United States Food and
13 Drug Administration;

14 (5) is capable of recognizing the presence or absence of ventricular
15 fibrillation and rapid ventricular tachycardia, and is capable of determining,
16 without intervention by an operator, whether defibrillation should be
17 performed;

18 (6) upon determining that defibrillation should be performed, either
19 automatically charges and delivers an electrical impulse to an individual's
20 heart, or charges and delivers an electrical impulse at the command of the
21 operator; and

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23 automatic or a manual mode, is set to operate in the automatic mode.

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25 abnormal heart rhythms called arrhythmias. It is generally the result of
26 some underlying form of heart disease.

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3 advanced assistance arrives.

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5 individual's heart in order to stop ventricular fibrillation or rapid ventricular
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8 medical care provided the critically ill or injured prior to arrival at a medical
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23 as an ordinary, reasonably prudent person would have acted under the same or
24 similar circumstances.

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