

LOUISIANA AED LAW

The following is a summary containing relevant portions of the law(s). This material is not intended as legal advice and may contain inaccurate or incomplete statements.

Background

On July 2, 1999, the Governor of the State of Louisiana signed [Senate Bill 100](#), to **"encourage greater acquisition, deployment, and use of automated external defibrillators in communities throughout the state."** The legislation creates Subpart D of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes.

AED Definition

"a medical device heart monitor and defibrillator that:

1. **Has received approval of its pre-market notification filed pursuant to Section 360(k) of Title 21 of the United States Code from the United States Food and Drug Administration.**
2. **Is capable of recognizing the presence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining whether defibrillation should be performed.**
3. **Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.**
4. **Is capable of delivering the electrical impulse to an individual's heart."**

Use Compliance Requirements

"Any person or entity who possesses an AED shall ensure that:

1. **The AED is maintained and tested according to the manufacturer's guidelines.**
2. **A licensed physician or advanced practice registered nurse who is authorized to prescribe is involved in the possessor's program to ensure compliance with the requirements for training, EMS notification and maintenance.**
3. **Expected users regularly, on the premises of a particular entity, such as a work site receive appropriate training in CPR and in the use of an AED...**
4. **The emergency medical services system is activated as soon as possible when an individual renders emergency care to an individual in cardiac arrest by using an AED.**
5. **Any clinical use of the AED is reported to the licensed physician or advanced practice registered nurse involved in the possessor's program."**

"Any person or entity which possesses an AED shall notify the bureau of emergency medical services in the office of public health of the Department of Health and Hospitals and a local provider of emergency medical services, such as 911 service, local ambulance service or the fire department of the acquisition, location, and type of AED."

Training Requirements

Expected users are to receive training in CPR and AED use **"by the American Heart Association or by any other nationally recognized course in CPR and AED use."**

Liability

"In addition to the civil immunity provided to persons rendering emergency assistance as provided by law...any prescribing advanced practice registered nurse or physician who authorizes the purchase of the AED, any physician or advanced practice registered nurse involved in the possessor's program, any individual or entity which provides training in CPR and in the use of an AED, any purchaser of an AED, any person or entity responsible for the site where the AED is located, and any expected user regularly on the premises shall not be liable for any civil damages arising from any act or omission of acts related to the operation of an AED that do not amount to willful or wanton misconduct or gross negligence."

Other

"Any manufacturer, wholesale supplier, or retailer of an AED shall notify purchasers of AEDs intended for use in the state of the requirements of this Section."