

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 44.
CHARITABLE AND CURATIVE
INSTITUTIONS.

CHAPTER 2A.
DEFIBRILLATOR USAGE.

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CHAPTER 2A. DEFIBRILLATOR USAGE.

§ 44-231. DEFINITIONS.

For the purposes of this chapter, the term:

(1) "Automated external defibrillator" or "AED" or "defibrillator" means a medical device heart monitor and defibrillator that:

(A) Has received approval from the United States Food and Drug Administration of its premarket notification filed pursuant to section 510(k) of the Federal Food, Drug, and Cosmetic Act, approved October 10, 1962 (76 Stat. 794; 21 U.S.C. § 360(k));

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

(C) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

(2) "Compensation" shall not include the salary of any person who registers an automated external defibrillator, trains the individuals who operate the registered automated external defibrillators, orders the automated external defibrillators which will subsequently be registered, or operates a registered automated external defibrillator at the scene of an emergency, excluding any professional medical emergency setting.

(3) "Recreation facility" means a Department of Parks and Recreation public facility that is regularly staffed by a paid District government employee.

(4) "Recreation facility certificate" means a certificate issued by the Mayor to authorize the installation and use of an AED at a recreation facility that has complied with the AED program requirements and guidelines established under § 44-232.01.

(Apr. 27, 2001, D.C. Law 13-278, § 2, 48 DCR 1869; Mar. 6, 2007, D.C. Law 16-217, § 2(a), 53 DCR 10207; Mar. 25, 2009, D.C. Law 17-362, § 2(a), 56 DCR 1211.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-217 rewrote this section, which formerly read:

"For the purposes of this chapter, the term 'automated external defibrillator' or 'AED' or 'defibrillator' means a medical device heart monitor and defibrillator that:

"(1) Has received approval from the United States Food and Drug Administration of its premarket notification filed pursuant to section 510(k) of the Federal Food, Drug, and Cosmetic Act, approved October 10, 1962 (76 Stat. 794; 21 U.S.C. 360(k));

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

"(3) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart."

D.C. Law 17-362 added pars. (3) and (4).

Legislative History of Laws

Law 13-278, the "Public Access to Automated External Defibrillator Act of 2000," was introduced in Council and assigned Bill No. 13-735, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 19, 2001, it was assigned Act No. 13-573 and transmitted to both Houses of Congress for its review. D.C. Law 13-278 became effective on April 27, 2001.

Law 16-217, the "Good Samaritan Use of Automated External Defibrillators Clarification Amendment Act of

2006", was introduced in Council and assigned Bill No. 16-43, which was referred to Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 19 2006, it was assigned Act No. 16-546 and transmitted to both Houses of Congress for its review. D.C. Law 16-217 became effective on March 6, 2007.

Law 17-362, the "AED Installation for Safe Recreation and Exercise Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-635 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on November 18, 2008, and December 2, 2008, respectively. Approved without the signature of the Mayor on January 23, 2009, it was assigned Act No. 17-698 and transmitted to both Houses of Congress for its review. D.C. Law 17-362 became effective on March 25, 2009.

§ 44-232. ACCESS BY THE PUBLIC TO DEFIBRILLATION.

(a) A person who or entity that acquires an AED shall ensure that:

(1) Expected AED users receive training from and be certified by the American Heart Association, the American Red Cross, or an equivalent state or nationally recognized course, in cardiopulmonary resuscitation ("CPR") and in the use of an AED, and that the users maintain their certification in CPR and AED use;

(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines, and written records of the maintenance and testing are maintained;

(3) A physician licensed in the District of Columbia shall oversee all aspects of the defibrillation program, including training, coordination with the Fire and Emergency Medical Services Department ("Department"), protocol approval, AED deployment strategies, and equipment maintenance plan, and shall review each case in which the AED is used by the program; and

(4) Any person who uses an AED to provide emergency care or treatment on a person in cardiac arrest shall activate the Department's emergency medical service system as soon as possible, and shall report any clinical use of the AED to the licensed physician or medical authority. Data on AED use shall be submitted to the Department and reviewed by the Department.

(b)(1) Except as provided in paragraph (2) of this subsection, upon meeting the requirements of subsection (a) of this section, the defibrillation program shall be registered with the Department and the Department shall issue to the defibrillation program a certificate of registration. There shall be a registration fee of \$25. The certificate of registration shall expire after 4 years. To renew a certificate of registration, the person or entity shall be required to repeat the application process. If protocol is not followed, the Department may issue a citation, suspend certification, or revoke the certificate of registration.

(2) The Mayor shall issue, and reissue every 6 months, a recreation facility certificate to a recreation facility that meets the requirements of subsection (a) of this section and § 44-232.01.

(c) Any person or entity who acquires an AED shall notify an agent of the Fire Chief, the EMS Medical Director, and the emergency communications or vehicle dispatch center of the existence of the AED and the Department of the existence, location, and type of AED. If an AED is removed, the Department shall be notified.

(Apr. 27, 2001, D.C. Law 13-278, § 3, 48 DCR 1869; Mar. 25, 2009, D.C. Law 17-362, § 2(b), 56 DCR 1211.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-362, in subsec. (b), designated the existing text as par. (1), inserted "Except as provided in paragraph (2) of this subsection," and added par. (2).

Legislative History of Laws

For D.C. Law 13-278, see notes following § 44-231.

For Law 17-362, see notes following § 44-231.

§ 44-232.01. AED PROGRAM FOR DEPARTMENT OF PARKS AND RECREATION FACILITIES.

(a) The Mayor shall develop and implement an AED program for each recreation facility. The program shall meet the requirements of § 44-232, and, in addition, ensure that:

(1) At least one AED is provided on-site at each recreation facility;

(2) An individual trained in the operation and use of an AED, pursuant to a training program approved under subsection (c) of this section, is present during the recreation facility's hours of operation; and

(3) Each AED is maintained, operated, and tested according to the manufacturers' guidelines by conducting periodic inspections and annual maintenance of each AED.

(b) The Mayor shall develop guidelines for the program, including requirements that written records be maintained documenting:

(1) The maintenance and testing of each AED; and

(2) That each Department of Parks and Recreation employee assigned to the recreation facility has successfully completed a training program approved under subsection (c) of this section.

(c)(1) The Mayor shall approve training programs required under this section in accordance with the requirements of § 44-232. The training programs may be conducted by a private or public entity.

(2) The training programs shall be in conjunction with health training provided to Department of Parks and Recreation employees, as well as refresher training, as required.

(d) The Mayor shall comply with this section within 45 days of March 25, 2009. The Mayor shall expand the AED program to a new recreation facility within 45 days of its opening.

(Apr. 27, 2001, D.C. Law 13-278, § 3a, as added Mar. 25, 2009, D.C. Law 17-362, § 2(c), 56 DCR 1211.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

Sections 2 to 4 of D.C. Law 17-213 added sections to read as follows:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) 'Automated external defibrillator' or 'AED' or 'defibrillator' means a medical device heart monitor and defibrillator that:

"(A) Has received approval from the United States Food and Drug Administration of its premarket notification filed pursuant to section 501(k) of the Federal Food, Drug, and Comestic Act, approved October 10, 1962 (76 Stat. 794; 21 U.S.C. § 360(k));

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

"(C) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

"(2) 'Certificate' means a certificate issued by the Mayor to an authorized recreational facility.

"(3) 'Recreation facility' means staffed Department of Parks and Recreation facilities.

"Sec. 3. AED program.

"(a) The Mayor shall develop and implement an AED program for each recreation facility within 45 days of the effective date of this act.

"(b) The program required under subsection (a) of this section shall include provisions that:

"(1) Ensure that an AED is provided on-site; and

"(2) An individual trained in the operation and use of an AED is present during hours of operation.

"(c) The Mayor shall establish guidelines for periodic inspections and annual maintenance of the automated external defibrillators to ensure each AED is maintained, operated, and tested according to manufacturers' guidelines, including:

"(1) Written records of the maintenance and testing of each AED are maintained, as required; and

"(2) Proof that each individual who operates an AED for the authorized recreational facility has successfully completed an educational training course in conjunction with health training already received by Department of Parks and Recreation employees and refresher training, as required.

"(d) The Mayor shall issue and renew certificates to recreation facilities that meet the requirements of this section.

"(e) The Mayor shall approve educational and training programs required under this section that:

"(1) Are conducted by any private or public entity;

"(2) Include training in cardiopulmonary resuscitation; and

"(3) May include courses from nationally recognized entities, such as the American Heart Association, the American Red Cross, and the National Safety Council.

"(f) The Mayor shall make best efforts to use uniform equipment pursuant to this act.

"Sec. 4. Immunities.

"(a) In addition to any other immunities available under statutory or common law, an authorized recreation facility is not civilly liable for any act or omission in the provision of automated external defibrillation if the authorized facility:

"(1) Satisfied the requirements for making automated external defibrillation available under section 3; and

"(2) Possesses a valid certificate at the time of the act or omission.

"(b) The AED program established under this act shall include tort immunity pursuant to section 4 of the Public Access to Automated External Defibrillator Act of 2001, effective April 27, 2001 (D.C. Law 13-278; D.C. Official Code § 44-233)."

Section 6(b) of D.C. Law 17-213 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) additions, see §§ 2 to 4 of AED Installation for Safe Recreation and Exercise Emergency Act of 2008 (D.C. Act 17-392, May 21, 2008, 55 DCR 6272).

For temporary (90 day) additions, see §§ 2 to 4 of AED Installation for Safe Recreation and Exercise Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-459, July 28, 2008, 55 DCR 8726).

Legislative History of Laws

For Law 17-362, see notes following § 44-231.

§ 44-232.02. STUDY TO EXPAND AED PROGRAM THROUGHOUT PUBLIC FACILITIES.

(a) The Mayor shall conduct a study examining the feasibility of installing AED devices in all District public facilities, including the District of Columbia Public Schools system and the Public Charter Schools. The study shall be submitted to the Council no later than 6 months following March 25, 2009.

(b) The study shall include:

- (1) An evaluation of the available AED technologies, weighing advantages and disadvantages of these technologies, depending upon the characteristics of likely users within the public facility;
- (2) An analysis of the optimum training program, to include cardiopulmonary resuscitation and AED operation, for obtaining maximum participation among potential rescuers;
- (3) An analysis of the optimum program for maintenance and inspection of AEDs when placed throughout District of Columbia public facilities;
- (4) A feasibility analysis for connecting AEDs, both those privately registered and those potentially placed throughout public facilities, to the District of Columbia emergency responder system;
- (5) An examination of the AED programs in cities of comparable size or larger, including Baltimore, Philadelphia, and New York City;
- (6) An analysis of the costs of different options for implementation, potential cost savings through training, and equipment alternatives; and
- (7) An enumeration of the public facilities recommended for installation of AEDs.

(Apr. 27, 2001, D.C. Law 13-278, § 3b, as added Mar. 25, 2009, D.C. Law 17-362, § 2(c), 56 DCR 1211.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-362, see notes following § 44-231.

§ 44-233. AED USE AND TORT IMMUNITY.

(a) Any person or entity who, in good faith and without compensation, uses an AED to provide emergency care or treatment shall be immune from civil liability for any personal injury resulting from the care or treatment, or resulting from any act or failure to act in providing or arranging further medical treatment, if the person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

(b) The immunity from civil liability provided under subsection (a) of this section shall extend to the licensed physician or medical authority involved in automated external defibrillator site placement, the person who

provides training in CPR and the use of the automated external defibrillator, and the person or entity responsible for the site where the automated external defibrillator is located.

(c) The immunity from civil liability provided under this chapter shall not apply if the personal injury results from the gross negligence or the willful or wanton misconduct of the person providing the emergency care.

(d) This section expressly excludes from the provision of immunity designers, manufacturers, or sellers of automated external defibrillators who have claims brought against them based upon current District of Columbia law.

(e) A person who, in good faith and without compensation, uses a defibrillator at the scene of an emergency, and all other persons and entities providing services without compensation under this section, shall be immune from civil liability for any personal injury that results from any act or omission in the use of the defibrillator in an emergency situation.

(f) The immunity from civil liability under this section shall not apply to a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional or within the scope of the employment or agency of the professional.

(g) In addition to any other immunities available under statutory or common law, the District is not civilly liable for any act or omission in the provision of automated external defibrillation if, at the time of the act or omission, the recreation facility possessed a valid recreation facility certificate.

(Apr. 27, 2001, D.C. Law 13-278, § 4, 48 DCR 1869; Mar. 6, 2007, D.C. Law 16-217, § 2(b), 53 DCR 10207; Mar. 25, 2009, D.C. Law 17-362, § 2(d), 56 DCR 1211.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-217, in subsec. (e), deleted the last sentence which read as follows: "This immunity shall apply only if the requirements of § 44-232 are fulfilled."; and added subsec. (f).

D.C. Law 17-362 added subsec. (g).

Legislative History of Laws

For D.C. Law 13-278, see notes following § 44-231.

For Law 16-217, see notes following § 44-231.

For Law 17-362, see notes following § 44-231.

§ 44-234. AGENCY FUND.

(a) There is established the Automated External Defibrillator Registration Fee Fund ("Fund"), as a non-lapsing, revolving fund, to be administered by the Mayor as an agency fund, as that term is defined in § 47-373(2)(l), and to be used exclusively for the purposes stated in § 44-232.

(b) The Fund shall be financed through registration fees generated pursuant to § 44-232 and regulations promulgated by the Mayor.

(c) The Fund shall be accounted for under procedures established pursuant to subchapter V of Chapter 3 of Title 47.

(Apr. 27, 2001, D.C. Law 13-278, § 5, 48 DCR 1869.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-278, see notes following § 44-231.

§ 44-235. RULES.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 may issue rules to implement the provisions of this chapter.

(Apr. 27, 2001, D.C. Law 13-278, § 6, 48 DCR 1869.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-278, see notes following § 44-231.

§ 44-236. APPROPRIATIONS.[REPEALED]

(Apr. 27, 2001, D.C. Law 13-278, § 7, 48 DCR 1869; Mar. 3, 2010, D.C. Law 18-111, § 7012, 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) repeal, see § 7012 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) repeal, see § 7012 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For D.C. Law 13-278, see notes following § 44-231.

Law 18-111, the "Fiscal Year 2010 Budget Support Act of 2009", was introduced in Council and assigned Bill No. 18-203, which was referred to the Committee on the Whole. The bill was adopted on first and second readings on May 12, 2009, and September 22, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-255 and transmitted to both Houses of Congress for its review. D.C. Law 18-111 became effective on March 3, 2010.