

RS 40:1137.3

§1137.3. Persons in possession of AEDs; training, testing, and notification requirements; manufacturer responsibility; possession required

A. In order to ensure public health and safety, any person or entity that 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, emergency medical service (EMS) notification, and maintenance.

(3)(a) Expected AED users regularly, on the premises of a particular entity, such as a work site or users who carry an AED in a private security patrol vehicle, receive appropriate training in cardiopulmonary resuscitation (CPR) and in the use of an AED from any nationally recognized course in CPR and AED use.

(b) For purposes of this Paragraph, "expected AED users" shall be any person designated by the possessor to render emergency care.

(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.

B. Any person or entity that possesses an AED shall notify a local provider of emergency medical services, such as a 911 service, local ambulance service, or fire department of the acquisition, location, and type of AED.

C. 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.

D.(1) The owner of or the entity responsible for a physical fitness facility shall keep an AED on its premises.

(2) As used in this Subsection:

(a) "Physical fitness facility" means a facility for profit or nonprofit with a membership of over fifty persons that offers physical fitness services. This term includes but is not limited to clubs, studios, health spas, weight control centers, clinics, figure salons, tanning centers, athletic or sport clubs, and YWCA and YMCA organizations.

(b) "Physical fitness services" means services for the development of physical fitness through exercise or weight control. It shall not include a business limited solely to the practice of physical therapy, as defined in R.S. 37:2401, by a therapist licensed by the Louisiana State Board of Medical Examiners, nor shall it apply to medically related services performed by a physician licensed by the Louisiana State Board of Medical Examiners in a private office, clinic, or hospital.

E.(1)(a) Each postsecondary education institution shall have an AED on its premises in an easily accessible location within its athletic department.

(b) Any postsecondary education institution that sponsors an intercollegiate athletic event shall have an AED and a trained AED user who is also trained in first-aid CPR at the event.

(c) Each postsecondary education institution shall have a "cardiac emergency response plan". For purposes of this Subparagraph, a "cardiac emergency response plan" means a written document that establishes the specific steps to reduce death from cardiac arrest at an intercollegiate athletic event.

(i) An institution cardiac emergency response plan shall be prepared by each president or chancellor jointly with local emergency responders.

(ii) The plan, which shall focus on preventing the loss of life, shall integrate at a minimum the following guidelines:

(aa) Establishing a cardiac emergency response team.

(bb) Activating the team in response to a sudden cardiac arrest.

(cc) Implementing AED placement and routine maintenance within the institution.

(dd) Maintaining ongoing staff training in CPR and AED use.

(ee) Practicing using drills.

(ff) Integrating local EMS with the plan.

(gg) Annually reviewing and evaluating the plan.

(2)(a) Each elementary, middle, and high school shall have an AED on its premises in an easily accessible location. Each school shall have the authority to accept donations of AEDs or funds to acquire AEDs.

(b) Any elementary, middle, or high school that sponsors an interscholastic athletic event shall have an AED and a trained AED user who is also trained in first-aid CPR at the event.

(c) Each elementary, middle, and high school shall have a "cardiac emergency response plan". For purposes of this Subparagraph, a "cardiac emergency response plan" means a written document that establishes the specific steps to reduce death from cardiac arrest at an interscholastic athletic event.

(i) A school cardiac emergency response plan shall be prepared by each principal jointly with local emergency responders.

(ii) The plan, which shall focus on preventing the loss of life, shall integrate at a minimum the following guidelines:

(aa) Establishing a cardiac emergency response team.

(bb) Activating the team in response to a sudden cardiac arrest.

(cc) Implementing AED placement and routine maintenance within the school.

(dd) Maintaining ongoing staff training in CPR and AED use.

(ee) Practicing using drills.

(ff) Integrating local EMS with the plan.

(gg) Annually reviewing and evaluating the plan.

F. The Louisiana Department of Health shall promulgate all necessary rules and regulations to implement the provisions of this Section. Such rules and regulations shall, at a minimum, provide for:

(1) Compliance, enforcement, and penalties.

(2) Periodic maintenance and testing of each AED to ensure each AED is in working order.

(3) Appropriate training for persons designated to use and maintain an AED.

G.(1) There is hereby created in the state treasury, as a special fund, the Jump Start Your Heart Fund, hereinafter referred to in this Section as the "fund". The fund shall consist of any monies appropriated, allocated, donated, or transferred to the fund and shall be deposited by the state treasurer after compliance with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana.

(2) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

(3) Monies in the fund shall be appropriated by the legislature and shall be utilized to purchase automated external defibrillators for use at each postsecondary, high, middle, and elementary school in the state under the provisions of all necessary rules and regulations as promulgated by the Louisiana Department of Health.

Acts 1999, No. 825, §1; Acts 2004, No. 443, §1; Acts 2004, No. 885, §1, eff. Jan. 1, 2005; Acts 2012, No. 706, §1; Acts 2012, No. 789, §2, eff. June 13, 2012; Redesignated from R.S. 40:1236.13 by HCR 84 of 2015 R.S.; Acts 2016, No. 128, §1; Acts 2016, No. 425, §1; Acts 2023, No. 234, §1, see Act.