



April 27, 2012

**MEMORANDUM FOR: JPA Liaisons
JPA Contact People/Safety Officers
Supervising Agents**

**SUBJECT: Employee and School District Liability
Related to AED's**

The OSS legal counsel has prepared the following information related to employee and school district AED liability.

Employees

Pursuant to CA Civil Code Section 1714.21, "Any person who, in good faith and not for compensation, renders emergency care or treatment by the use of and AED at the scene of an emergency is not liable for any civil damages resulting from any acts or omissions in rendering the emergency care." (Civ. Code, §1714.21 subd. (b).) This is known as a Good Samaritan Statute and is meant to encourage emergency use of an AED Device without fear of liability. It is a "Full Immunity" Statute.

School Districts

Pursuant to CA Health and Safety Code Section 1797.196 a School District is immune from Liability for the procurement and use of an AED device so long as the School District does all of the following:

1. The AED be maintained and regularly tested according to manufacturers and state and federal guidelines.

2. The AED be checked for readiness after each use and at least once every 30 days if the AED has not been used in the preceding 30 days. Records of these checks shall be maintained.

3. Any person who uses an AED contacts emergency personnel as soon as possible, and reports any use of the AED to a licensed physician and to the local emergency medical services agency.

4. For every AED unit acquired up to 5 units, no less than 1 employee per AED unit shall complete a training course in CPR and AED use that complies with the standards of the American Heart Association or the American Red Cross.

5. There is a written plan that describes the procedures to be followed in the event of an emergency that may involve the use of an AED.

The code is very specific. Failure to adhere to each of these requirements could result in the loss of the civil immunity protections afforded by the statute.

If you have any questions please contact me.

Henry Brock
Risk Manager