

Amendment No. 002 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Byrd offered the following:

13 **Amendment to Amendment (571015)**

14 On page 3, line 14,

15 Through page 4, line 1,

16 remove from the amendment: all of said lines

18 and insert in lieu thereof:

19 (4) Immunity under subsection (3) does not apply to a
20 person if:

21 (a) The harm involved was caused by that person's
22 willful or criminal misconduct, gross negligence, reckless
23 disregard or misconduct, or a conscious, flagrant indifference
24 to the rights or safety of the victim who was harmed;

25 (b) The person is a licensed or certified health
26 professional who used the automated external defibrillator
27 device while acting within the scope of the license or
28 certification of the professional and within the scope of the
29 employment or agency of the professional;

30 (c) The person is a hospital, clinic, or other entity
31 whose primary purpose is providing health care directly to

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1 patients, and the harm was caused by an employee or agent of
2 the entity who used the device while acting within the scope
3 of the employment or agency of the employee or agent;
4 (d) The person is an acquirer of the device who leased
5 the device to a health care entity, or who otherwise provided
6 the device to such entity for compensation without selling the
7 device to the entity, and the harm was caused by an employee
8 or agent of the entity who used the device while acting within
9 the scope of the employment or agency of the employee or
10 agent; or
11 (e) The person is the manufacturer of the device.

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