

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 314 - HB 775

February 25, 2019

SUMMARY OF ORIGINAL BILL: Immunizes an entity that provides access to an automated external defibrillator (AED) from civil liability for any personal injury that results from an act or omission relative to the use of the AED by any person.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004653): Deletes and replaces all language after the enacting clause such that the only substantive change is to specify that an entity providing access to an AED is immune from civil liability if an act or omission related to the use of the AED does not amount to willful or wanton misconduct or gross negligence.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under current law, pursuant to Tenn. Code Ann. § 68-140-406, in order for an entity to avoid be civilly liable for personal injury resulting from the use or omission of use of an AED, the act or omission must not amount to willful or wanton misconduct or gross negligence and the entity must adhere to the requirements outlined in Tenn. Code Ann. § 68-140-404 and § 68-140-405.
- This legislation will remove all civil liability for entities providing use of an AED where personal injury resulting from an act or omission of use of an AED occurs where the act or omission related to the use of the AED does not amount to willful or wanton misconduct or gross negligence.
- Any impact to the state or local government resulting from civil immunity for state and local entities providing access to AEDs is estimated to be not significant.
- Any impact to the court system resulting from this legislation is estimated to be not significant.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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