

## Liability: Use of AED

### Utah Code Ann. 26-8b-202

An individual who is authorized to use an AED and who, in good faith and without compensation, uses or fails to use an AED on a person believed to be in sudden cardiac arrest will not be held legally responsible. An individual who is authorized to administer CPR and who, in good faith and without compensation, administers or fails to administer CPR on a person believed to be in sudden cardiac arrest will not be held legally responsible.

Additionally, an individual will also not be held legally responsible for acting or failing to act relating to the use of CPR or an AED in the following circumstances: acquiring or owning an AED; retrieving an AED for someone in cardiac arrest; providing a training course relating to CPR or use of an AED; or involvement in the management, operation, or updating of an AED.

A physician who, in good faith and without compensation, who oversees an AED program or writes a prescription for an AED will not be held legally responsible.

An individual or physician in any of the above scenarios must not act with extreme carelessness or with intent to cause harm.

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## Immunity

(1) Except as provided in Subsection (3), the following persons are not subject to civil liability for any act or omission relating to preparing to care for, responding to care for, or providing care to, another person who reasonably appears to be in sudden cardiac arrest:

(a) a person authorized, under Section 26-8b-201, to administer CPR, who:

(i) gratuitously and in good faith attempts to administer or administers CPR to another person; or

(ii) fails to administer CPR to another person;

(b) a person authorized, under Section 26-8b-201, to use an AED who:

(i) gratuitously and in good faith attempts to use or uses an AED; or

(ii) fails to use an AED;

(c) a person that teaches or provides a training course in administering CPR or using an AED;

(d) a person that acquires an AED;

(e) a person that owns, manages, or is otherwise responsible for the premises or conveyance where an AED is

located;

(f) a person who retrieves an AED in response to a perceived or potential sudden cardiac arrest;

(g) a person that authorizes, directs, or supervises the installation or provision of an AED;

(h) a person involved with, or responsible for, the design, management, or operation of a CPR or AED program;

(i) a person involved with, or responsible for, reporting, receiving, recording, updating, giving, or distributing

information relating to the ownership or location of an AED under Part 3, Automatic External Defibrillator Databases;

or

(j) a physician who gratuitously and in good faith:

(i) provides medical oversight for a public AED program; or

(ii) issues a prescription for a person to acquire or use an AED.

(2) This section does not relieve a manufacturer, designer, developer, marketer, or commercial distributor of an AED, or an accessory for an AED, of any liability.

(3) The liability protection described in Subsection (1) does not apply to an act or omission that constitutes gross negligence or willful misconduct.