

1 AN ACT

2 relating to the availability and use of automated external  
3 defibrillators in nursing homes and related institutions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter F, Chapter 242, Health and Safety  
6 Code, is amended by adding Section 242.159 to read as follows:

7 Sec. 242.159. AUTOMATED EXTERNAL DEFIBRILLATORS. (a) An  
8 institution shall have available for use at the institution an  
9 automated external defibrillator, as defined by Section 779.001,  
10 and shall comply with the training, use, and notification  
11 requirements of Chapter 779.

12 (b) An institution that does not have funds available for  
13 purposes of Subsection (a) may solicit gifts, grants, or donations  
14 to purchase or maintain an automated external defibrillator for use  
15 at the institution.

16 (c) The use of an automated external defibrillator must be  
17 consistent with a resident's advance directive executed or issued  
18 under Subchapter C, Chapter 166.

19 (d) Notwithstanding Section 74.151(b), Civil Practice and  
20 Remedies Code, Section 74.151(a), Civil Practice and Remedies Code,  
21 applies to administration of emergency care using an automated  
22 external defibrillator by an employee or volunteer at an  
23 institution.

24 (e) An institution shall employ at least one person who is

1 trained in the proper use of an automated external defibrillator.

2 (e-1) An institution is not required to comply with  
3 Subsections (a) and (e) until September 1, 2012. This subsection  
4 expires January 1, 2013.

5 SECTION 2. This Act takes effect September 1, 2009.

David Dewhurst

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 392 was passed by the House on April 24, 2009, by the following vote: Yeas 138, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 392 on May 18, 2009, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 392 was passed by the Senate, with amendments, on May 14, 2009, by the following vote: Yeas 31, Nays 0.

Astley Gawn

Secretary of the Senate

APPROVED: 30 MAY '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4 PM O'CLOCK

Hope Radtke  
MAY 30 2009  
Secretary of State