

REFERENCE TITLE: continuing care; automated external defibrillators

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2317

Introduced by
Representative Gress

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-434.02; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 4, article 2, Arizona Revised
3 Statutes, is amended by adding section 36-434.02, to read:

4 36-434.02. Continuing care retirement communities; automated
5 external defibrillators; immunity; rules;
6 definitions

7 A. A CONTINUING CARE RETIREMENT COMMUNITY WITH AT LEAST SEVENTEEN
8 BEDS SHALL HAVE ON THE PREMISES AT ALL TIMES A FUNCTIONING AUTOMATED
9 EXTERNAL DEFIBRILLATOR.

10 B. CONTINUING CARE RETIREMENT COMMUNITY STAFF MAY WITHHOLD OR
11 WITHDRAW CARDIOPULMONARY RESUSCITATION OR THE USE OF AN AUTOMATED EXTERNAL
12 DEFIBRILLATOR ON A RESIDENT IN ACCORDANCE WITH THAT RESIDENT'S ADVANCE
13 DIRECTIVES.

14 C. A CONTINUING CARE RETIREMENT COMMUNITY OR STAFF THAT WITHHOLDS
15 OR WITHDRAWS CARDIOPULMONARY RESUSCITATION OR THE USE OF AN AUTOMATED
16 EXTERNAL DEFIBRILLATOR IN ACCORDANCE WITH A RESIDENT'S ADVANCE DIRECTIVES
17 IS NOT LIABLE FOR ANY CIVIL DAMAGES AS THE RESULT OF ANY ACT OR OMISSION
18 BY THE PERSON WITHHOLDING OR WITHDRAWING SUCH CARE. THIS LIABILITY
19 EXCLUSION APPLIES ONLY IF THE CARDIOPULMONARY RESUSCITATION OR THE USE OF
20 THE AUTOMATED EXTERNAL DEFIBRILLATOR IS WITHHELD OR WITHDRAWN IN GOOD
21 FAITH AND IN ACCORDANCE WITH THE RESIDENT'S ADVANCE DIRECTIVES. THIS
22 LIABILITY EXCLUSION DOES NOT APPLY TO A PERSON WHO ACTS WITH GROSS
23 NEGLIGENCE WHILE RENDERING CARE.

24 D. THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT THIS SECTION.

25 E. FOR THE PURPOSES OF THIS SECTION:

26 1. "AUTOMATED EXTERNAL DEFIBRILLATOR" HAS THE SAME MEANING
27 PRESCRIBED IN SECTION 36-2261.

28 2. "CONTINUING CARE RETIREMENT COMMUNITY":

29 (a) MEANS A CAMPUS THAT OFFERS A CONTINUUM OF CARE SERVICES UNDER
30 THE SAME MANAGEMENT.

31 (a) INCLUDES ASSISTED LIVING CENTERS AND INDEPENDENT LIVING
32 RESIDENCES.

33 3. "INDEPENDENT LIVING RESIDENCE" MEANS AN AGE-RESTRICTED COMMUNITY
34 OF SEPARATE RESIDENCES IN WHICH RESIDENTS DO NOT NEED CARE BUT ASSISTANCE
35 IN THE CASE OF AN EMERGENCY OR ACCIDENT IS AVAILABLE TWENTY-FOUR HOURS A
36 DAY AND OCCASIONAL ASSISTANCE WITH SOME ROUTINE ACTIVITIES OF DAILY LIVING
37 IS OFFERED.