

105TH CONGRESS
1ST SESSION

H. R. 2843

To direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 1997

Mr. DUNCAN (for himself, Mrs. KENNELLY of Connecticut, Mr. LIPINSKI, Mr. FOX of Pennsylvania, and Mr. BLUNT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Medical As-
5 sistance Act of 1997”.

1 **SEC. 2. MEDICAL KIT EQUIPMENT AND TRAINING.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Administrator of the Federal Aviation Ad-
4 ministration shall reevaluate regulations regarding (1) the
5 equipment required to be carried in medical kits of aircraft
6 operated by air carriers, and (2) the training required of
7 flight attendants in the use of such equipment, and, if the
8 Administrator determines that such regulations should be
9 modified as a result of such reevaluation, shall issue a no-
10 tice of proposed rulemaking to modify such regulations.

11 **SEC. 3. REPORTS REGARDING DEATHS ON AIRCRAFT.**

12 During the 1-year period beginning on the 90th day
13 following the date of the enactment of this Act, a major
14 air carrier shall make a good faith effort to obtain, and
15 shall submit monthly reports to the Administrator of the
16 Federal Aviation Administration on, the following:

17 (1) The number of persons who died on aircraft
18 of the air carrier, including any person who was de-
19 clared dead after being removed from such an air-
20 craft as a result of a medical incident that occurred
21 on such aircraft.

22 (2) The age of each such person.

23 (3) Whether or not the primary cause of death
24 was a cardiac arrest.

25 (4) Whether or not the cardiac arrest was the
26 result of ventricular fibrillation.

8 SEC. 4. DECISION ON AUTOMATIC EXTERNAL
9 DEFIBRILLATORS.

10 (a) IN GENERAL.—Not later than 120 days after the
11 last day of the 1-year period described in section 3, the
12 Administrator of the Federal Aviation Administration
13 shall make a decision on whether or not to require auto-
14 matic external defibrillators on aircraft operated by air
15 carriers and whether or not to require automatic external
16 defibrillators at airports.

17 (b) FORM OF DECISION.—A decision under this sec-
18 tion shall be in the form of a notice of proposed rule-
19 making requiring automatic external defibrillators in air-
20 ports or on aircraft operated by air carriers, or both, or
21 a recommendation to Congress for legislation requiring
22 such defibrillators or a notice in the Federal Register that
23 such defibrillators should not be required in airports or
24 on such aircraft.

1 (c) CONTENTS.—If the Administrator decides that
2 automatic external defibrillators should be required—

3 (1) on aircraft operated by air carriers, the pro-
4 posed rulemaking or recommendation shall include—

5 (A) the size of the aircraft on which such
6 defibrillators should be required;

7 (B) the class flights (whether interstate,
8 overseas, or foreign air transportation or any
9 combination thereof) on which such
10 defibrillators should be required;

11 (C) the training that should be required
12 for air carrier personnel in the use of such
13 defibrillators; and

14 (D) the associated equipment and medica-
15 tion that should be required to be carried in the
16 aircraft medical kit; and

17 (2) at airports, the proposed rulemaking or rec-
18 ommendation shall include—

19 (A) the size of the airport at which such
20 defibrillators should be required;

21 (B) the training that should be required
22 for airport personnel in the use of such
23 defibrillators; and

24 (C) the associated equipment and medica-
25 tion that should be required at the airport.

1 (d) LIMITATION.—The Administrator may not re-
2 quire automatic external defibrillators on helicopters and
3 on aircraft with a maximum payload capacity (as defined
4 in section 119.3 of title 14, Code of Federal Regulations)
5 of 7,500 pounds or less.

6 **SEC. 5. LIMITATIONS ON LIABILITY.**

7 (a) LIABILITY OF AIR CARRIERS.—An air carrier
8 shall not be liable for damages in any action brought in
9 a Federal or State court arising out of the performance
10 of the air carrier in obtaining or attempting to obtain the
11 assistance of a passenger in an in-flight medical emer-
12 gency, or out of the acts or omissions of the passenger
13 rendering the assistance, if the carrier in good faith be-
14 lieves that the passenger is a medically qualified individ-
15 ual.

16 (b) LIABILITY OF INDIVIDUALS.—An individual shall
17 not be liable for damages in any action brought in a Fed-
18 eral or State court arising out of the acts or omissions
19 of the individual in providing or attempting to provide as-
20 sistance in the case of an in-flight medical emergency un-
21 less the individual, while rendering such assistance, is
22 guilty of gross negligence or willful misconduct.

23 **SEC. 6. DEFINITIONS.**

24 In this Act—

1 (1) the terms “air carrier”, “aircraft”, “air-
2 port”, “interstate air transportation”, “overseas air
3 transportation”, and “foreign air transportation”
4 have the meanings such terms have under section
5 40102 of title 49, United States Code;

6 (2) the term “major air carrier” means an air
7 carrier certificated under section 41102 of title 49,
8 United States Code, that accounted for at least 1
9 percent of domestic scheduled-passenger revenues in
10 the 12 months ending March 31 of the most recent
11 year preceding the date of the enactment of this Act,
12 as reported to the Department of Transportation
13 pursuant to part 241 of title 14 of the Code of Fed-
14 eral Regulations; and

15 (3) the term “medically qualified individual” in-
16 cludes any person who is licensed, certified, or other-
17 wise qualified to provide medical care in a State, in-
18 cluding an ambulance attendant.

