

## Chase McEachern Act (Heart Defibrillator Civil Liability), 2007

### S.O. 2007, CHAPTER 10 Schedule N

**Consolidation Period:** From July 3, 2007 to the [e-Laws currency date](#).

No Amendments.

#### Definitions

1. In this Act,

“defibrillator” means an automated external medical heart monitor and defibrillator that is capable of,

- (a) recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia,
- (b) determining, without intervention by an operator, whether defibrillation should be performed,
- (c) automatically charging and requesting delivery of an electrical impulse to an individual’s heart as medically required, and
- (d) satisfying any other criteria that may be prescribed by regulation; (“défibrillateur”)

“emergency” means a situation during which the behaviour of an individual reasonably leads another individual to believe that the first individual is experiencing a life-threatening event that requires the provision of immediate care to assist the heart or other cardiopulmonary functioning of that person; (“situation d’urgence”)

“health care professional” means,

- (a) a member of a College of a health profession set out in Schedule 1 to the *Regulated Health Professions Act, 1991*,
- (b) such other persons or classes of persons as may be prescribed. (“professionnel de la santé”) 2007, c. 10, Sched. N, s. 1.

#### Protection from civil liability, user of defibrillator

2. (1) Despite the rules of common law, a person described in subsection (2) who, in good faith, voluntarily and without reasonable expectation of compensation or reward uses a defibrillator on a person experiencing an emergency is not liable for damages that result from the person’s negligence in acting or failing to act while using the defibrillator, unless it is established that the damages were caused by the gross negligence of the person. 2007, c. 10, Sched. N, s. 2 (1).

#### Persons covered

(2) Subsection (1) applies to,

- (a) a health care professional, if the health care professional does not use the defibrillator at a hospital or other place having appropriate health care facilities and equipment for the purpose of defibrillation; and
- (b) an individual, other than a health care professional described in clause (a), who uses a defibrillator at the immediate scene of an emergency. 2007, c. 10, Sched. N, s. 2 (2).

#### Reimbursement of expenses

(3) Reasonable reimbursement that a person receives for expenses that the person reasonably incurs in using a defibrillator shall be deemed not to be compensation or reward for the purpose of subsection (1). 2007, c. 10, Sched. N, s. 2 (3).

#### Protection from civil liability, owner or operator of premises

3. (1) Despite the *Occupiers’ Liability Act* and the rules of common law, any person who owns or occupies premises where a defibrillator is made available for use and who acts in good faith with respect to the availability or use of the defibrillator is exempt from civil liability for any harm or damage that may occur from the use of the defibrillator. 2007, c. 10, Sched. N, s. 3 (1).

#### Exception

(2) Subsection (1) does not exempt the person who owns or occupies the premises where a defibrillator is made available for use from civil liability if,

- (a) that person acts with gross negligence with respect to making the defibrillator available;

- (b) that person fails to properly maintain the defibrillator; or
- (c) the premises where the defibrillator is made available for use is a hospital or other premises used primarily for the purpose of providing health care to individuals. 2007, c. 10, Sched. N, s. 3 (2).

**Regulations**

- 4.** The Lieutenant Governor in Council may make regulations,
- (a) prescribing criteria for the purpose of the definition of “defibrillator” in section 1;
  - (b) prescribing persons or classes of persons for the purposes of the definition of “health care professional” in section 1;
  - (c) governing standards for the proper maintenance of defibrillators;
  - (d) respecting any matter necessary or advisable to carry out effectively the purposes of this Act. 2007, c. 10, Sched. N, s. 4.

**Applies to the Crown**

- 5.** This Act applies to the Crown and any agency of the Crown. 2007, c. 10, Sched. N, s. 5.
- 6.** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2007, c. 10, Sched. N, s. 6.
- 7.** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2007, c. 10, Sched. N, s. 7.
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