

105TH CONGRESS
2^D SESSION

H. R. 2843

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1998

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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 1998”.

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

7 Not later than 1 year after the date of the enactment

8 of this Act, the Administrator of the Federal Aviation Ad-

9 ministration shall reevaluate regulations regarding (1) the

10 equipment required to be carried in medical kits of aircraft

11 operated by air carriers, and (2) the training required of

12 flight attendants in the use of such equipment, and, if the

13 Administrator determines that such regulations should be

14 modified as a result of such reevaluation, shall issue a no-

15 tice of proposed rulemaking to modify such regulations.

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

17 (a) IN GENERAL.—During the 1-year period begin-

18 ning on the 90th day following the date of the enactment

19 of this Act, a major air carrier shall make a good faith

20 effort to obtain, and shall submit quarterly reports to the

21 Administrator of the Federal Aviation Administration on,

22 the following:

23 (1) The number of persons who died on aircraft

24 of the air carrier, including any person who was de-

25 clared dead after being removed from such an air-

1 craft as a result of a medical incident that occurred
2 on such aircraft.

3 (2) The age of each such person.

4 (3) Any information concerning cause of death
5 that is available at the time such person died on the
6 aircraft or is removed from the aircraft or that sub-
7 sequently becomes known to the air carrier.

8 (4) Whether or not the aircraft was diverted as
9 a result of the death or incident.

10 (5) Such other information as the Adminis-
11 trator may request as necessary to aid in a decision
12 as to whether or not to require automatic external
13 defibrillators in airports or on aircraft operated by
14 air carriers, or both.

15 (b) **FORMAT.**—The Administrator may specify a for-
16 mat for reports to be submitted under this section.

17 **SEC. 4. DECISION ON AUTOMATIC EXTERNAL**
18 **DEFIBRILLATORS.**

19 (a) **IN GENERAL.**—Not later than 120 days after the
20 last day of the 1-year period described in section 3, the
21 Administrator of the Federal Aviation Administration
22 shall make a decision on whether or not to require auto-
23 matic external defibrillators on passenger aircraft oper-
24 ated by air carriers and whether or not to require auto-
25 matic external defibrillators at airports.

1 (b) FORM OF DECISION.—A decision under this sec-
2 tion shall be in the form of a notice of proposed rule-
3 making requiring automatic external defibrillators in air-
4 ports or on passenger aircraft operated by air carriers, or
5 both, or a recommendation to Congress for legislation re-
6 quiring such defibrillators or a notice in the Federal Reg-
7 ister that such defibrillators should not be required in air-
8 ports or on such aircraft. If a decision under this section
9 is in the form of a notice of proposed rulemaking, the Ad-
10 ministrator shall make a final decision not later than the
11 120th day following the date on which comments are due
12 on the notice of proposed rulemaking.

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

15 (1) on passenger aircraft operated by air car-
16 riers, the proposed rulemaking or recommendation
17 shall include—

18 (A) the size of the aircraft on which such
19 defibrillators should be required;

20 (B) the class flights (whether interstate,
21 overseas, or foreign air transportation or any
22 combination thereof) on which such
23 defibrillators should be required;

1 (C) the training that should be required
2 for air carrier personnel in the use of such
3 defibrillators; and

4 (D) the associated equipment and medica-
5 tion that should be required to be carried in the
6 aircraft medical kit; and

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

9 (A) the size of the airport at which such
10 defibrillators should be required;

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

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

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

21 (e) SPECIAL RULE.—If the Administrator decides
22 that automatic external defibrillators should be required
23 at airports, the proposed rulemaking or recommendation
24 shall provide that the airports are responsible for provid-
25 ing the defibrillators.

1 **SEC. 5. LIMITATIONS ON LIABILITY.**

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

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

19 **SEC. 6. DEFINITIONS.**

20 In this Act—

21 (1) the terms “air carrier”, “aircraft”, “air-
22 port”, “interstate air transportation”, “overseas air
23 transportation”, and “foreign air transportation”
24 have the meanings such terms have under section
25 40102 of title 49, United States Code;

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

10 (3) the term “medically qualified individual” in-
11 cludes any person who is licensed, certified, or other-
12 wise qualified to provide medical care in a State, in-
13 cluding a physician, nurse, physician assistant, para-
14 medic, and emergency medical technician.

Passed the House of Representatives March 24,
1998.

Attest:

ROBIN H. CARLE,

Clerk.