

Union Calendar No. 262

105TH CONGRESS
2^D SESSION

H. R. 2843

[Report No. 105-456]

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.

MARCH 20, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

MARCH 20, 1998

Additional sponsor: Mr. COOKSEY

MARCH 20, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 6, 1997]

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 Assist-*
5 *ance 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 beginning*
18 *on the 90th day following the date of the enactment of this*
19 *Act, a major air carrier shall make a good faith effort to*
20 *obtain, and shall submit quarterly reports to the Adminis-*
21 *trator of the Federal Aviation Administration on, the fol-*
22 *lowing:*

23 *(1) The number of persons who died on aircraft*
24 *of the air carrier, including any person who was de-*

1 *carriers and whether or not to require automatic external*
2 *defibrillators at airports.*

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

15 **(c) CONTENTS.**—*If the Administrator decides that*
16 *automatic external defibrillators should be required—*

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

20 **(A)** *the size of the aircraft on which such*
21 *defibrillators should be required;*

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

1 (C) the training that should be required for
2 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 for
12 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 require
17 automatic external defibrillators on helicopters and on air-
18 craft with a maximum payload capacity (as defined in sec-
19 tion 119.3 of title 14, Code of Federal Regulations) of 7,500
20 pounds or less.

21 (e) *SPECIAL RULE.*—If the Administrator decides that
22 automatic external defibrillators should be required at air-
23 ports, the proposed rulemaking or recommendation shall
24 provide that the airports are responsible for providing the
25 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 of
5 the air carrier in obtaining or attempting to obtain the as-
6 sistance of a passenger in an in-flight medical emergency,
7 or out of the acts or omissions of the passenger rendering
8 the assistance, if the carrier in good faith believes that the
9 passenger is a medically qualified individual and not an
10 employee or agent of the carrier.

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

18 **SEC. 6. DEFINITIONS.**

19 In this Act—

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

25 (2) the term “major air carrier” means an air
26 carrier certificated under section 41102 of title 49,

1 *United States Code, that accounted for at least 1 per-*
2 *cent of domestic scheduled-passenger revenues in the*
3 *12 months ending March 31 of the most recent year*
4 *preceding the date of the enactment of this Act, as re-*
5 *ported to the Department of Transportation pursuant*
6 *to part 241 of title 14 of the Code of Federal Regula-*
7 *tions; and*

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