§ 3000-b. Automated external defibrillators: Public access providers. 1. As used in this section, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(a) "Automated external defibrillator" means a medical device, approved by the United States food and drug administration, that is capable with or without intervention by an operator of: recognizing the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia; determining whether defibrillation should be performed on the patient; upon determining that defibrillation should be performed, automatically charging; and delivering an appropriate electrical impulse to the patient's heart to perform defibrillation.

(b) "Public access defibrillation provider" means a person, firm, organization or other entity possessing or operating an automated external defibrillator pursuant to this section.

2. A person, firm, organization or other entity may purchase, acquire, possess and operate an automated external defibrillator pursuant to this section. Operation of an automated external defibrillator under this section shall be authorized in accordance with regulations promulgated by the department.

3. A public access defibrillation provider in possession of an automated external defibrillator shall comply with the following requirements, in a manner prescribed by the department:

(a) The public access defibrillation provider shall provide training in the use of an automated external defibrillator and cardiopulmonary resuscitation consistent with standards approved by the department, including but not limited to programs developed or authorized by the department or determined by the department to be consistent with accepted standards of practice. At least one individual associated with the public access defibrillation provider shall be designated to receive such training and to be familiar with the operation and routine maintenance of the automated external defibrillator.

(b) The public access defibrillation provider shall cause the automated external defibrillator to be maintained and tested according to applicable standards of the manufacturer and any appropriate government agency.

(c) (i) The public access defibrillation provider shall register the existence, location and type of any automated external defibrillator it possesses with the department.

(ii) The department shall establish and maintain an electronic database, accessible to the public, containing information collected under this paragraph. The database shall include the location and type of each automated external defibrillator reported to the department.

(d) Every use of an automated external defibrillator on a patient shall be immediately reported to the appropriate local emergency medical services system or public safety answering point.

(e) The public access defibrillator provider shall report data related to the use of automated external defibrillators to the department. When available, the department shall incorporate data related to patient health outcomes, response times, whether a bystander administered CPR or used an automated external defibrillator, and any other information deemed appropriate by the commissioner into statewide or regional quality improvement and cardiac arrest surveillance programs, including participation in nationally recognized registries, as determined by the department. Confidential patient information shall be deidentified prior to incorporation.

(f) The public access defibrillation provider shall post a sign or notice at the main entrance to the facility or building in which the automated external defibrillator is stored, indicating the location where any such automated external defibrillator is stored or maintained in such building or facility on a regular basis.

4. Operation of an automated external defibrillator pursuant to this section shall be considered first aid or emergency treatment for the purpose of any statute relating to liability and shall not constitute the unlawful practice of a profession under title VIII of the education law.

5. Any manufacturer, distributor, retailer, or reseller that sells or otherwise transfers an automated external defibrillator for use in this state shall, at the time of sale or transfer, provide the purchaser with written or electronic notice of applicable requirements under this section, including registration, maintenance, and reporting obligations,

in a form prescribed by the department.