

ASSEMBLY BILL

No. 1666

Introduced by Assembly Member Olsen

February 14, 2012

An act to amend Section 1797.196 of the Health and Safety Code, relating to automated external defibrillators.

LEGISLATIVE COUNSEL'S DIGEST

AB 1666, as introduced, Olsen. Automated external defibrillators.

Existing law authorizes the Emergency Medical Services Authority to establish minimum training and other standards for the use of automated external defibrillators (AEDs) and generally provides immunity from civil damages in connection with AEDs. Existing law requires persons or entities that acquire the AEDs to comply with maintenance, testing, and training requirements, which are scheduled to change on January 1, 2013. Existing law, until January 1, 2013, sets forth tenant notice and other requirements for owners of buildings in which an AED is placed.

This bill would extend the January 1, 2013, termination date of these provisions to January 1, 2018.

Existing law requires that an AED be checked for readiness at least once every 30 days if the AED has not been used in the preceding 30 days.

This bill would instead require that an AED be checked for readiness at least once every 90 days if the AED has not been used in the preceding 90 days.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1797.196 of the Health and Safety Code, as amended by Section 1 of Chapter 85 of the Statutes of 2006, is amended to read:

1797.196. (a) For purposes of this section, “AED” or “defibrillator” means an automated or automatic external defibrillator.

(b) In order to ensure public safety, any person or entity that acquires an AED is not liable for any civil damages resulting from any acts or omissions in the rendering of the emergency care under subdivision (b) of Section 1714.21 of the Civil Code, if that person or entity does all of the following:

(1) Complies with all regulations governing the placement of an AED.

(2) Ensures all of the following:

(A) That the AED is maintained and regularly tested according to the operation and maintenance guidelines set forth by the manufacturer, the American Heart Association, and the American Red Cross, and according to any applicable rules and regulations set forth by the governmental authority under the federal Food and Drug Administration and any other applicable state and federal authority.

(B) That the AED is checked for readiness after each use and at least once every ~~30~~ 90 days if the AED has not been used in the preceding ~~30~~ 90 days. Records of these checks shall be maintained.

(C) That any person who renders emergency care or treatment on a person in cardiac arrest by using an AED activates the emergency medical services system as soon as possible, and reports any use of the AED to the licensed physician and to the local EMS agency.

(D) For every AED unit acquired up to five units, no less than one employee per AED unit shall complete a training course in cardiopulmonary resuscitation and AED use that complies with the regulations adopted by the Emergency Medical Service Authority and the standards of the American Heart Association or the American Red Cross. After the first five AED units are acquired, for each additional five AED units acquired, one employee shall be trained beginning with the first AED unit acquired. Acquirers of AED units shall have trained employees

1 who should be available to respond to an emergency that may
2 involve the use of an AED unit during normal operating hours.

3 (E) That there is a written plan that describes the procedures to
4 be followed in the event of an emergency that may involve the use
5 of an AED, to ensure compliance with the requirements of this
6 section. The written plan shall include, but not be limited to,
7 immediate notification of 911 and trained office personnel at the
8 start of AED procedures.

9 (3) When an AED is placed in a building, building owners shall
10 ensure that tenants annually receive a brochure, approved as to
11 content and style by the American Heart Association or American
12 Red Cross, which describes the proper use of an AED, and also
13 ensure that similar information is posted next to any installed AED.

14 (4) When an AED is placed in a building, no less than once a
15 year, building owners shall notify their tenants as to the location
16 of AED units in the building.

17 (5) When an AED is placed in a public or private K–12 school,
18 the principal shall ensure that the school administrators and staff
19 annually receive a brochure, approved as to contents and style by
20 the American Heart Association or the American Red Cross, that
21 describes the proper use of an AED. The principal shall also ensure
22 that similar information is posted next to every AED. The principal
23 shall, at least annually, notify school employees as to the location
24 of all AED units on the campus. The principal shall designate the
25 trained employees who shall be available to respond to an
26 emergency that may involve the use of an AED during normal
27 operating hours. As used in this paragraph, “normal operating
28 hours” means during the hours of classroom instruction and any
29 school-sponsored activity occurring on school grounds.

30 (c) Any person or entity that supplies an AED shall do all of
31 the following:

32 (1) Notify an agent of the local EMS agency of the existence,
33 location, and type of AED acquired.

34 (2) Provide to the acquirer of the AED all information governing
35 the use, installation, operation, training, and maintenance of the
36 AED.

37 (d) A violation of this provision is not subject to penalties
38 pursuant to Section 1798.206.

39 (e) The protections specified in this section do not apply in the
40 case of personal injury or wrongful death that results from the

1 gross negligence or willful or wanton misconduct of the person
2 who renders emergency care or treatment by the use of an AED.

3 (f) Nothing in this section or Section 1714.21 *of the Civil Code*
4 may be construed to require a building owner or a building manager
5 to acquire and have installed an AED in any building.

6 (g) This section shall remain in effect only until January 1, ~~2013~~
7 2018, and as of that date is repealed, unless a later enacted statute,
8 that is enacted before January 1, ~~2013~~ 2018, deletes or extends
9 that date.

10 SEC. 2. Section 1797.196 of the Health and Safety Code, as
11 amended by Section 2 of Chapter 85 of the Statutes of 2006, is
12 amended to read:

13 1797.196. (a) For purposes of this section, “AED” or
14 “defibrillator” means an automated or automatic external
15 defibrillator.

16 (b) In order to ensure public safety, any person who acquires
17 an AED shall do all of the following:

18 (1) Comply with all regulations governing the training, use, and
19 placement of an AED.

20 (2) Notify an agent of the local EMS agency of the existence,
21 location, and type of AED acquired.

22 (3) Ensure all of the following:

23 (A) That expected AED users complete a training course in
24 cardiopulmonary resuscitation and AED use that complies with
25 regulations adopted by the Emergency Medical Services (EMS)
26 Authority and the standards of the American Heart Association or
27 the American Red Cross.

28 (B) That the defibrillator is maintained and regularly tested
29 according to the operation and maintenance guidelines set forth
30 by the manufacturer, the American Heart Association, and the
31 American Red Cross, and according to any applicable rules and
32 regulations set forth by the governmental authority under the
33 federal Food and Drug Administration and any other applicable
34 state and federal authority.

35 (C) That the AED is checked for readiness after each use and
36 at least once every ~~30~~ 90 days if the AED has not been used in the
37 preceding ~~30~~ 90 days. Records of these periodic checks shall be
38 maintained.

39 (D) That any person who renders emergency care or treatment
40 on a person in cardiac arrest by using an AED activates the

1 emergency medical services system as soon as possible, and reports
2 any use of the AED to the licensed physician and to the local EMS
3 agency.

4 (E) That there is involvement of a licensed physician in
5 developing a program to ensure compliance with regulations and
6 requirements for training, notification, and maintenance.

7 (c) A violation of this provision is not subject to penalties
8 pursuant to Section 1798.206.

9 (d) This section shall become operative on January 1, ~~2013~~
10 ~~2018~~.