

Representative Rich Cunningham proposes the following substitute bill:

AUTOMATIC EXTERNAL DEFIBRILLATOR

RESTRICTED ACCOUNT

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rich Cunningham

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill creates the Automatic External Defibrillator Restricted Account.

Highlighted Provisions:

This bill:

- ▶ creates the Automatic External Defibrillator Restricted Account;
- ▶ provides for the use of account funds;
- ▶ grants rulemaking authority to the Bureau of Emergency Medical Services for the use of account funds; and
- ▶ establishes restrictions on how account funds may be used.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2014:

▶ to the General Fund Restricted - Automatic External Defibrillator Restricted Account, as ~~Ⓢ→~~ **[an-ongoing]** **a one-time** ~~←Ⓢ~~ appropriation:

- from the General Fund, ~~Ⓢ→~~ **[\$300,000]** **\$150,000** ~~←Ⓢ~~ .
- ▶ to the Department of Health - Family Health and Preparedness - Bureau of Emergency Medical Services, as ~~Ⓢ→~~ **[an-ongoing]** **a one-time** ~~←Ⓢ~~ appropriation:
 - from the General Fund Restricted - Automatic External Defibrillator Restricted



26 Account, ~~\$→ [\$300,000]~~ \$150,000 ~~←\$~~ .

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26-8b-102**, as enacted by Laws of Utah 2009, Chapter 22

32 ENACTS:

33 **26-8b-601**, Utah Code Annotated 1953

34 **26-8b-602**, Utah Code Annotated 1953



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **26-8b-102** is amended to read:

38 **26-8b-102. Definitions.**

39 As used in this chapter:

40 (1) "Account" means the Automatic External Defibrillator Restricted Account, created
41 in Section 26-8b-602.

42 ~~[(+)]~~ (2) "Automatic external defibrillator" or "AED" means an automated or automatic
43 computerized medical device that:

44 (a) has received pre-market notification approval from the United States Food and
45 Drug Administration, pursuant to Section 360(k), Title 21 of the United States Code;

46 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
47 ventricular tachycardia;

48 (c) is capable of determining, without intervention by an operator, whether
49 defibrillation should be performed; and

50 (d) upon determining that defibrillation should be performed, automatically charges,
51 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
52 to a person's heart.

53 ~~[(2)]~~ (3) "Bureau" means the Bureau of Emergency Medical Services, within the
54 department.

55 ~~[(3)]~~ (4) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or
56 external chest compression applied to a person who is ~~[in respiratory or cardiac arrest]~~

57 unresponsive and not breathing.

58 [~~(4)~~] (5) "Emergency medical dispatch center" means a public safety answering point,
59 as defined in Section 63C-7-103, that is designated as an emergency medical dispatch center by
60 the bureau.

61 [~~(5)~~] (6) "Sudden cardiac arrest" means a life-threatening condition that results when a
62 person's heart stops or fails to produce a pulse.

63 Section 2. Section **26-8b-601** is enacted to read:

64 **Part 6. Automatic External Defibrillator Restricted Account**

65 **26-8b-601. Title.**

66 This part is known as the "Automatic External Defibrillator Restricted Account."

67 Section 3. Section **26-8b-602** is enacted to read:

68 **26-8b-602. Automatic External Defibrillator Restricted Account.**

69 (1) (a) There is created a restricted account within the General Fund known as the
70 Automatic External Defibrillator Restricted Account to provide AEDs to entities under
71 Subsection (4).

72 (b) The director of the bureau shall administer the account in accordance with rules
73 made by the bureau in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
74 Act.

75 (2) The restricted account shall consist of money appropriated to the account by the
76 Legislature.

77 (3) The director of the bureau shall distribute funds deposited in the account to eligible
78 entities, under Subsection (4), for the purpose of purchasing:

79 (a) an AED;

80 (b) an AED carrying case;

81 (c) a wall-mounted AED cabinet; or

82 (d) an AED sign.

83 (4) Upon appropriation the director of the bureau shall distribute funds deposited in the
84 account, for the purpose of purchasing items under Subsection (3), to:

85 (a) a municipal department of safety that routinely responds to incidents, or potential
86 incidents, of sudden cardiac arrest;

87 (b) a municipal or county law enforcement agency that routinely responds to incidents,

88 or potential incidents, of sudden cardiac arrest;

89 (c) a state law enforcement agency that routinely responds to incidents, or potential
90 incidents, of sudden cardiac arrest;

91 (d) a school that offers instruction to grades 7 through 12; or

92 (e) a state institution of higher education.

93 (5) The director of the bureau shall distribute funds under this section to a municipality
94 only if the municipality provides a match in funding for the total cost of items under
95 Subsection (3):

96 (a) of 50% for the municipality, if the municipality is a city of first, second, or third
97 class under Section 10-2-301; or

98 (b) of 75% for the municipality, other than a municipality described in Subsection
99 (5)(a).

100 (6) The director of the bureau shall distribute funds under this section to a county only
101 if the county provides a match in funding for the total cost of items under Subsection (3):

102 (a) of 50% for the county, if the county is a county of first, second, or third class under
103 Section 17-50-501; or

104 (b) of 75% for the county, other than a county described in Subsection (6)(a).

105 (7) In accordance with rules made by the bureau, an entity described in Subsection (4)
106 may apply to the director of the bureau to receive a distribution of funds from the account by
107 filing an application with the bureau on or before October 1 of each year.

108 **Section 4. Appropriation.**

109 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
110 the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money
111 are appropriated from resources not otherwise appropriated, or reduced from amounts
112 previously appropriated, out of the funds or accounts indicated. These sums of money are in
113 addition to any amounts previously appropriated for fiscal year 2014.

114 To General Fund Restricted - Automatic External Defibrillator Restricted Account

115 From General Fund \$→ , One-time [~~\$300,000~~] \$150,000 ←\$

116 Schedule of Programs:

117 General Fund Restricted - Automatic External

118 Defibrillator Restricted Account \$→ [~~\$300,000~~] \$150,000 ←\$

119 To Department of Health - Family Health and Preparedness -

120 Bureau of Emergency Medical Services

121 From General Fund Restricted - Automatic

122 External Defibrillator Restricted Account ~~One-time~~ ~~[\$300,000]~~ \$150,000

123 Schedule of Programs:

124 Bureau of Emergency Medical Services ~~[\$300,000]~~ \$150,000

125 The Legislature intends that ~~[:]~~

126 ~~[(1)]~~ the Bureau of Emergency Services use appropriations under this section to

126a provide

127 automatic external defibrillators to eligible entities under Section 26-8a-601 ~~[; and]~~

128 ~~[(2) the appropriations under this section be ongoing in fiscal years 2014, 2015, and~~

129 2016 only.]