

**Representative Rich Cunningham** proposes the following substitute bill:

**AUTOMATIC EXTERNAL DEFIBRILLATOR ACCOUNT**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rich Cunningham**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates the Automatic External Defibrillator Account.

**Highlighted Provisions:**

This bill:

- ▶ creates the Automatic External Defibrillator 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 Account, as an ongoing appropriation:
  - from the General Fund, \$300,000.
- ▶ to the Department of Health - Family Health and Preparedness - Bureau of Emergency Medical Services, as an ongoing appropriation:
  - from the General Fund Restricted - Automatic External Defibrillator Account, \$300,000.



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **26-8b-102**, as enacted by Laws of Utah 2009, Chapter 22

31 ENACTS:

32 **26-8b-601**, Utah Code Annotated 1953

33 **26-8b-602**, Utah Code Annotated 1953



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

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

37 **26-8b-102. Definitions.**

38 As used in this chapter:

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

41 ~~(1)~~ (2) "Automatic external defibrillator" or "AED" means an automated or automatic  
42 computerized medical device that:

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

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

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

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

52 ~~(2)~~ (3) "Bureau" means the Bureau of Emergency Medical Services, within the  
53 department.

54 ~~(3)~~ (4) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or  
55 external chest compression applied to a person who is ~~[in respiratory or cardiac arrest]~~  
56 unresponsive and not breathing.

57 [4] (5) "Emergency medical dispatch center" means a public safety answering point,  
58 as defined in Section 63C-7-103, that is designated as an emergency medical dispatch center by  
59 the bureau.

60 [5] (6) "Sudden cardiac arrest" means a life-threatening condition that results when a  
61 person's heart stops or fails to produce a pulse.

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

63 **Part 6. Automatic External Defibrillator Account**

64 **26-8b-601. Title.**

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

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

67 **26-8b-602. Automatic External Defibrillator Account.**

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

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

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

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

- 77 (a) an AED;
- 78 (b) an AED carrying case;
- 79 (c) a wall-mounted AED cabinet; or
- 80 (d) an AED sign.

81 (4) The director of the bureau shall distribute funds deposited in the account, for the  
82 purpose of purchasing items under Subsection (3), to:

- 83 (a) a municipal department of safety that routinely responds to incidents, or potential  
84 incidents, of sudden cardiac arrest;
- 85 (b) a municipal or county law enforcement agency that routinely responds to incidents,  
86 or potential incidents, of sudden cardiac arrest;
- 87 (c) a state law enforcement agency that routinely responds to incidents, or potential

88 incidents, of sudden cardiac arrest;

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

90 (e) a state institution of higher education.

91 (5) The director of the bureau shall distribute funds under this section to a municipality

92 only if the municipality provides a match in funding for the total cost of items under

93 Subsection (3):

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

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

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

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

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

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

106 **Section 4. Appropriation.**

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

112 To General Fund Restricted - Automatic External Defibrillator Account

113 From General Fund \$300,000

114 Schedule of Programs:

115 General Fund Restricted - Automatic External

116 Defibrillator Account \$300,000

117 To Department of Health - Family Health and Preparedness -

118 Bureau of Emergency Medical Services

