

Chapter 8b
Utah Sudden Cardiac Arrest Survival Act

Part 1
General Provisions

26-8b-101 Title.

This chapter is known as the "Utah Sudden Cardiac Arrest Survival Act."

Enacted by Chapter 22, 2009 General Session

26-8b-102 Definitions.

As used in this chapter:

- (1) "Account" means the Automatic External Defibrillator Restricted Account, created in Section 26-8b-602.
- (2) "Automatic external defibrillator" or "AED" means an automated or automatic computerized medical device that:
 - (a) has received pre-market notification approval from the United States Food and Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);
 - (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;
 - (c) is capable of determining, without intervention by an operator, whether defibrillation should be performed; and
 - (d) upon determining that defibrillation should be performed, automatically charges, enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and to a person's heart.
- (3) "Bureau" means the Bureau of Emergency Medical Services, within the department.
- (4) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.
- (5) "Emergency medical dispatch center" means a public safety answering point, as defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by the bureau.
- (6) "Sudden cardiac arrest" means a life-threatening condition that results when a person's heart stops or fails to produce a pulse.

Amended by Chapter 411, 2015 General Session

Part 2
Cardiopulmonary Resuscitation and Automatic External Defibrillators

26-8b-201 Authority to administer CPR or use an AED.

- (1) A person may administer CPR on another person without a license, certificate, or other governmental authorization if the person reasonably believes that the other person is in sudden cardiac arrest.

- (2) A person may use an AED on another person without a license, certificate, or other governmental authorization if the person reasonably believes that the other person is in sudden cardiac arrest.

Enacted by Chapter 22, 2009 General Session

26-8b-202 Immunity.

- (1) Except as provided in Subsection (3), the following persons are not subject to civil liability for any act or omission relating to preparing to care for, responding to care for, or providing care to, another person who reasonably appears to be in sudden cardiac arrest:
- (a) a person authorized, under Section 26-8b-201, to administer CPR, who:
 - (i) gratuitously and in good faith attempts to administer or administers CPR to another person; or
 - (ii) fails to administer CPR to another person;
 - (b) a person authorized, under Section 26-8b-201, to use an AED who:
 - (i) gratuitously and in good faith attempts to use or uses an AED; or
 - (ii) fails to use an AED;
 - (c) a person that teaches or provides a training course in administering CPR or using an AED;
 - (d) a person that acquires an AED;
 - (e) a person that owns, manages, or is otherwise responsible for the premises or conveyance where an AED is located;
 - (f) a person who retrieves an AED in response to a perceived or potential sudden cardiac arrest;
 - (g) a person that authorizes, directs, or supervises the installation or provision of an AED;
 - (h) a person involved with, or responsible for, the design, management, or operation of a CPR or AED program;
 - (i) a person involved with, or responsible for, reporting, receiving, recording, updating, giving, or distributing information relating to the ownership or location of an AED under Part 3, Automatic External Defibrillator Databases; or
 - (j) a physician who gratuitously and in good faith:
 - (i) provides medical oversight for a public AED program; or
 - (ii) issues a prescription for a person to acquire or use an AED.
- (2) This section does not relieve a manufacturer, designer, developer, marketer, or commercial distributor of an AED, or an accessory for an AED, of any liability.
- (3) The liability protection described in Subsection (1) does not apply to an act or omission that constitutes gross negligence or willful misconduct.

Enacted by Chapter 22, 2009 General Session

Part 3
Automatic External Defibrillator Databases

26-8b-301 Reporting location of automatic external defibrillators.

- (1) In accordance with Subsection (2) and except as provided in Subsection (3):
- (a) a person who owns or leases an AED shall report the person's name, address, and telephone number, and the exact location of the AED, in writing or by a web-based AED registration

form, if available, to the emergency medical dispatch center that provides emergency dispatch services for the location where the AED is installed, if the person:

- (i) installs the AED;
 - (ii) causes the AED to be installed; or
 - (iii) allows the AED to be installed; and
- (b) a person who owns or leases an AED that is removed from a location where it is installed shall report the person's name, address, and telephone number, and the exact location from which the AED is removed, in writing or by a web-based AED registration form, if available, to the emergency medical dispatch center that provides emergency dispatch services for the location from which the AED is removed, if the person:
- (i) removes the AED;
 - (ii) causes the AED to be removed; or
 - (iii) allows the AED to be removed.
- (2) A report required under Subsection (1) shall be made within 14 days after the day on which the AED is installed or removed.
- (3) Subsection (1) does not apply to an AED:
- (a) at a private residence; or
 - (b) in a vehicle or other mobile or temporary location.
- (4) A person who owns or leases an AED that is installed in, or removed from, a private residence may voluntarily report the location of, or removal of, the AED to the emergency medical dispatch center that provides emergency dispatch services for the location where the private residence is located.
- (5) The department may not impose a penalty on a person for failing to comply with the requirements of this section.

Amended by Chapter 98, 2013 General Session

26-8b-302 Distributors to notify of reporting requirements.

A person in the business of selling or leasing an AED shall, at the time the person provides, sells, or leases an AED to another person, notify the other person, in writing, of the reporting requirements described in Section 26-8b-301.

Enacted by Chapter 22, 2009 General Session

26-8b-303 Duties of emergency medical dispatch centers.

An emergency medical dispatch center shall:

- (1) implement a system to receive and manage the information reported to the emergency medical dispatch center under Section 26-8b-301;
- (2) record in the system described in Subsection (1), all information received under Section 26-8b-301 within 14 days after the day on which the information is received;
- (3) inform a person who calls to report a potential incident of sudden cardiac arrest of the location of an AED located at the address of the potential sudden cardiac arrest;
- (4) provide verbal instructions to a person described in Subsection (3) to:
 - (a) help a person determine if a patient is in cardiac arrest; and
 - (b) if needed:
 - (i) provide direction to start CPR;
 - (ii) offer instructions on how to perform CPR; or
 - (iii) offer instructions on how to use an AED, if one is available; and

- (5) provide the information contained in the system described in Subsection (1), upon request, to the bureau.

Amended by Chapter 98, 2013 General Session

Part 4 Education and Training

26-8b-401 Education and training.

- (1) The bureau shall work in cooperation with federal, state, and local agencies and schools, to encourage individuals to complete courses on the administration of CPR and the use of an AED.
- (2) A person who owns or leases an AED shall encourage each person who is likely to use the AED to complete courses on the administration of CPR and the use of an AED.

Enacted by Chapter 22, 2009 General Session

26-8b-402 AEDs for demonstration purposes.

- (1) Any AED used solely for demonstration or training purposes, which is not operational for emergency use is, except for the provisions of this section, exempt from the provisions of this chapter.
- (2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior of the AED that the AED is for demonstration or training use only.

Enacted by Chapter 98, 2013 General Session

Part 5 Automatic External Defibrillator Tampering -- Penalties

26-8b-501 Tampering with an AED prohibited -- Penalties.

A person is guilty of a class C misdemeanor if the person removes, tampers with, or otherwise disturbs an AED, AED cabinet or enclosure, or AED sign, unless:

- (1) the person is authorized by the AED owner for the purpose of:
 - (a) inspecting the AED or AED cabinet or enclosure; or
 - (b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;
- (2) the person is responding to, or providing care to, a potential sudden cardiac arrest patient; or
- (3) the person acts in good faith with the intent to support, and not to violate, the recognized purposes of the AED.

Enacted by Chapter 98, 2013 General Session

Part 6 Automatic External Defibrillator Restricted Account

26-8b-601 Title.

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

Enacted by Chapter 99, 2013 General Session

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

- (1)
 - (a) There is created a restricted account within the General Fund known as the Automatic External Defibrillator Restricted Account to provide AEDs to entities under Subsection (4).
 - (b) The director of the bureau shall administer the account in accordance with rules made by the bureau in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) The restricted account shall consist of money appropriated to the account by the Legislature.
- (3) The director of the bureau shall distribute funds deposited in the account to eligible entities, under Subsection (4), for the purpose of purchasing:
 - (a) an AED;
 - (b) an AED carrying case;
 - (c) a wall-mounted AED cabinet; or
 - (d) an AED sign.
- (4) Upon appropriation, the director of the bureau shall distribute funds deposited in the account, for the purpose of purchasing items under Subsection (3), to:
 - (a) a municipal department of safety that routinely responds to incidents, or potential incidents, of sudden cardiac arrest;
 - (b) a municipal or county law enforcement agency that routinely responds to incidents, or potential incidents, of sudden cardiac arrest;
 - (c) a state law enforcement agency that routinely responds to incidents, or potential incidents, of sudden cardiac arrest;
 - (d) a school that offers instruction to grades kindergarten through 6;
 - (e) a school that offers instruction to grades 7 through 12; or
 - (f) a state institution of higher education.
- (5) The director of the bureau shall distribute funds under this section to a municipality only if the municipality provides a match in funding for the total cost of items under Subsection (3):
 - (a) of 50% for the municipality, if the municipality is a city of first, second, or third class under Section 10-2-301; or
 - (b) of 75% for the municipality, other than a municipality described in Subsection (5)(a).
- (6) The director of the bureau shall distribute funds under this section to a county only if the county provides a match in funding for the total cost of items under Subsection (3):
 - (a) of 50% for the county, if the county is a county of first, second, or third class under Section 17-50-501; or
 - (b) of 75% for the county, other than a county described in Subsection (6)(a).
- (7) In accordance with rules made by the bureau, an entity described in Subsection (4) may apply to the director of the bureau to receive a distribution of funds from the account by filing an application with the bureau on or before October 1 of each year.

Amended by Chapter 109, 2014 General Session