

1 SUDDEN CARDIAC ARREST SURVIVAL ACT AMENDMENTS

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Rich Cunningham

5 Senate Sponsor: Curtis S. Bramble

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7 LONG TITLE

8 General Description:

9 This bill establishes new provisions and modifies existing provisions of the Utah  
10 Sudden Cardiac Arrest Survival Act.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ allows a person who owns or leases an AED to register the person's name, address,  
15 telephone number, and exact location of the AED with the applicable local  
16 emergency dispatch center via a web-based AED registration form;
- 17 ▶ requires that a person who owns or leases an AED report the installation or removal  
18 of an AED to the applicable local emergency dispatch center within 14 days after  
19 the day on which the AED is installed or removed;
- 20 ▶ exempts an AED installed or removed from a private residence, vehicle, mobile, or  
21 temporary location from the registering and reporting requirements;
- 22 ▶ requires that an emergency medical dispatch center shall provide a person who calls  
23 to report an incident of sudden cardiac arrest with:
  - 24 • the location of an AED located at the same address where the incident of sudden  
25 cardiac arrest occurs; and
  - 26 • verbal instructions regarding how to help a patient suffering sudden cardiac  
27 arrest;
- 28 ▶ specifies that removing, disturbing, or tampering with an AED is unlawful except  
29 for purposes of:

- 30           • responding to a medical emergency;
- 31           • inspecting the AED; or
- 32           • performing maintenance;
- 33           ▶ exempts AEDs used for demonstration or training purposes from the provisions of
- 34 the Utah Sudden Cardiac Arrest Survival Act; and
- 35           ▶ makes technical changes.

36 **Money Appropriated in this Bill:**

37           None

38 **Other Special Clauses:**

39           None

40 **Utah Code Sections Affected:**

41 AMENDS:

42           **26-8b-102**, as enacted by Laws of Utah 2009, Chapter 22

43           **26-8b-301**, as enacted by Laws of Utah 2009, Chapter 22

44           **26-8b-303**, as last amended by Laws of Utah 2010, Chapter 218

45 ENACTS:

46           **26-8b-402**, Utah Code Annotated 1953

47           **26-8b-501**, Utah Code Annotated 1953



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

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

51           **26-8b-102. Definitions.**

52           As used in this chapter:

53           (1) "Automatic external defibrillator" or "AED" means an automated or automatic

54 computerized medical device that:

55           (a) has received pre-market notification approval from the United States Food and

56 Drug Administration, pursuant to Section 360(k), Title 21 of the United States Code;

57           (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid

58 ventricular tachycardia;

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

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

64 (2) "Bureau" means the Bureau of Emergency Medical Services, within the department.

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

68 (4) "Emergency medical dispatch center" means a public safety answering point, as  
69 defined in Section 63C-7-103, that is designated as an emergency medical dispatch center by  
70 the bureau.

71 (5) "Sudden cardiac arrest" means a life-threatening condition that results when a  
72 person's heart stops or fails to produce a pulse.

73 Section 2. Section **26-8b-301** is amended to read:

74 **26-8b-301. Reporting location of automatic external defibrillators.**

75 (1) [~~Beginning on September 1, 2009, in~~] In accordance with Subsection (2) and except  
76 as provided in Subsection (3):

77 (a) a person who owns or leases an AED shall report the person's name, address, and  
78 telephone number, and the exact location of the AED, in writing or by a web-based AED  
79 registration form, if available, to the emergency medical dispatch center that provides  
80 emergency dispatch services for the location where the AED is installed, if the person:

81 (i) installs the AED;

82 (ii) causes the AED to be installed; or

83 (iii) allows the AED to be installed; and

84 (b) a person who owns or leases an AED that is removed from a location where it is  
85 installed shall report the person's name, address, and telephone number, and the exact location

86 from which the AED is removed, in writing or by a web-based AED registration form, if  
87 available, to the emergency medical dispatch center that provides emergency dispatch services  
88 for the location from which the AED is removed, if the person:

- 89 (i) removes the AED;
- 90 (ii) causes the AED to be removed; or
- 91 (iii) allows the AED to be removed.

92 (2) A report required under Subsection (1) shall be made within ~~[30]~~ 14 days after the  
93 day on which the AED is installed or removed.

94 (3) Subsection (1) does not apply to an AED ~~[that is installed in, or removed from, a~~  
95 ~~private residence.]~~:

- 96 (a) at a private residence; or
- 97 (b) in a vehicle or other mobile or temporary location.

98 (4) ~~[Beginning on September 1, 2009, a]~~ A person who owns or leases an AED that is  
99 installed in, or removed from, a private residence may voluntarily report the location of, or  
100 removal of, the AED to the emergency medical dispatch center that provides emergency  
101 dispatch services for the location where the private residence is located.

102 (5) The department may not impose a penalty on a person for failing to comply with  
103 the requirements of this section.

104 Section 3. Section **26-8b-303** is amended to read:

105 **26-8b-303. Duties of emergency medical dispatch centers.**

106 An emergency medical dispatch center shall:

- 107 (1) implement a system to receive and manage the information reported to the  
108 emergency medical dispatch center under Section 26-8b-301;
- 109 (2) record in the system described in Subsection (1), all information received under  
110 Section 26-8b-301 within 14 days after the day on which the information is received;
- 111 (3) inform a person who calls to report a potential incident of sudden cardiac arrest of  
112 the location of ~~[any nearby AED; and]~~ an AED located at the address of the potential sudden  
113 cardiac arrest;

114 (4) provide verbal instructions to a person described in Subsection (3) to:  
 115 (a) help a person determine if a patient is in cardiac arrest; and  
 116 (b) if needed:  
 117 (i) provide direction to start CPR;  
 118 (ii) offer instructions on how to perform CPR; or  
 119 (iii) offer instructions on how to use an AED, if one is available; and  
 120 ~~[(4)]~~ (5) provide the information contained in the system described in Subsection (1),  
 121 upon request, to[:] the bureau.

122 ~~[(a) the bureau; or]~~  
 123 ~~[(b) another emergency medical dispatch center.]~~

124 Section 4. Section **26-8b-402** is enacted to read:

125 **26-8b-402. AEDs for demonstration purposes.**

126 (1) Any AED used solely for demonstration or training purposes, which is not  
 127 operational for emergency use is, except for the provisions of this section, exempt from the  
 128 provisions of this chapter.

129 (2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior  
 130 of the AED that the AED is for demonstration or training use only.

131 Section 5. Section **26-8b-501** is enacted to read:

132 **Part 5. AED Tampering -- Penalties**

133 **26-8b-501. Tampering with an AED prohibited -- Penalties.**

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

136 (1) the person is authorized by the AED owner for the purpose of:

137 (a) inspecting the AED or AED cabinet or enclosure; or

138 (b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a  
 139 wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;

140 (2) the person is responding to, or providing care to, a potential sudden cardiac arrest  
 141 patient; or

142           (3) the person acts in good faith with the intent to support, and not to violate, the  
143 recognized purposes of the AED.