

**AUTOMATIC EXTERNAL DEFIBRILLATOR**

**RESTRICTED ACCOUNT**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rich Cunningham**

Senate Sponsor: Curtis S. Bramble

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**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 a one-time appropriation:
  - from the General Fund, \$150,000.
- ▶ to the Department of Health - Family Health and Preparedness - Bureau of Emergency Medical Services, as a one-time appropriation:
  - from the General Fund Restricted - Automatic External Defibrillator Restricted Account, \$150,000.

**Other Special Clauses:**

None

**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 ~~(1)~~ (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  
84 the 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 \$150,000  
116 Schedule of Programs:  
117 General Fund Restricted - Automatic External  
118 Defibrillator Restricted Account \$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 \$150,000  
123 Schedule of Programs:  
124 Bureau of Emergency Medical Services \$150,000  
125 The Legislature intends that the Bureau of Emergency Medical Services use  
126 appropriations under this section to provide automatic external defibrillators to eligible entities  
127 under Section 26-8a-601.