

CHAPTER 251

HEALTH AND ENVIRONMENT

HOUSE BILL 19-1183

BY REPRESENTATIVE(S) Roberts, Bird, Buckner, Buentello, Caraveo, Cutter, Esgar, Exum, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Singer, Sirota, Titone, Valdez A., Valdez D., Will, Becker, Arndt, McKean, Snyder, Wilson;
also SENATOR(S) Bridges, Donovan, Fenberg, Fields, Ginal, Gonzales, Lee, Story, Todd, Winter, Garcia.

AN ACT

**CONCERNING THE PLACEMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS IN PUBLIC PLACES,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 53 to title 25 as follows:

ARTICLE 53
Automated External Defibrillators

25-53-101. Definitions. AS USED IN THIS ARTICLE 53, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AUTOMATED EXTERNAL DEFIBRILLATOR" OR "AED" MEANS AN AUTOMATED EXTERNAL DEFIBRILLATOR APPROVED FOR SALE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

(2) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, TRUST, UNINCORPORATED ORGANIZATION OR OTHER LEGAL ENTITY OR ORGANIZATION, OR A GOVERNMENT OR GOVERNMENTAL BODY.

(3) "PUBLIC PLACE" MEANS AN ENCLOSED INDOOR OR OUTDOOR AREA CAPABLE OF HOLDING ONE HUNDRED OR MORE PEOPLE AND TO WHICH THE PUBLIC IS INVITED OR IN WHICH THE PUBLIC IS PERMITTED BUT DOES NOT INCLUDE A PRIVATE RESIDENCE.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(4) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, A FACILITY SCHOOL, OR A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES.

25-53-102. Placement of automated external defibrillator - donations - acquisitions - limited immunity. (1) ANY PUBLIC SCHOOL OR PERSON WHO OWNS, OPERATES, OR MANAGES A PUBLIC PLACE IS ENCOURAGED TO PLACE FUNCTIONAL AEDS IN SUFFICIENT QUANTITIES TO ENSURE REASONABLE AVAILABILITY FOR USE DURING PERCEIVED SUDDEN CARDIAC ARREST EMERGENCIES.

(2) ANY INDIVIDUAL IS PERMITTED TO RETRIEVE OR USE AN AED.

(3) (a) A PUBLIC SCHOOL OR PUBLIC PLACE SHALL ACCEPT A DONATION OF AN AED THAT MEETS STANDARDS ESTABLISHED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AND IS IN COMPLIANCE WITH THE MANUFACTURER'S MAINTENANCE SCHEDULE. A PUBLIC SCHOOL OR PUBLIC PLACE SHALL ALSO ACCEPT GIFTS, GRANTS, AND DONATIONS, INCLUDING IN-KIND DONATIONS, DESIGNATED FOR OBTAINING AN AED, AND FOR INSPECTION, MAINTENANCE, AND TRAINING IN THE USE OF AN AED.

(b) IF A PUBLIC SCHOOL OR PUBLIC PLACE ACCEPTS A DONATED AED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION BUT THE PUBLIC SCHOOL OR PUBLIC PLACE DOES NOT WANT TO ACCEPT RESPONSIBILITY FOR AED TRAINING OR INSTALLATION OR FOR ENSURING THE AED IS IN COMPLIANCE WITH THE MANUFACTURER'S MAINTENANCE SCHEDULE, THE PUBLIC SCHOOL OR PUBLIC PLACE IS NOT REQUIRED TO ACCEPT THE AED UNLESS THE DONATING PARTY AGREES TO BE RESPONSIBLE FOR AED TRAINING, INSTALLATION, AND MAINTENANCE. THE PUBLIC SCHOOL OR PUBLIC PLACE SHALL DECIDE WHO WILL BE TRAINED, THE FREQUENCY OF TRAINING, AND WHEN THE AED TRAINING AND INSTALLATION WILL TAKE PLACE. IF THE DONATING PARTY HAS ACCEPTED RESPONSIBILITY FOR THE MAINTENANCE OF THE AED BUT CAN NO LONGER PROVIDE MAINTENANCE, THE PUBLIC SCHOOL OR PUBLIC PLACE MAY EITHER ACCEPT RESPONSIBILITY FOR THE MAINTENANCE OF THE AED OR REMOVE THE AED FROM THE PUBLIC SCHOOL OR PUBLIC PLACE.

(c) AN AED ACQUIRED BY A PUBLIC SCHOOL MUST BE APPROPRIATE FOR USE ON CHILDREN AND ADULTS.

(4) ON OR BEFORE SEPTEMBER 1, 2019, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL AWARD A FIFTEEN THOUSAND DOLLAR CONTRACT TO A NONPROFIT ORGANIZATION FOR THE PURPOSE OF ACQUIRING AND DISTRIBUTING AEDS TO PUBLIC PLACES.

SECTION 2. In Colorado Revised Statutes, 22-1-125.5, **amend** (3)(a)(I) as follows:

22-1-125.5. Requirement for certification of public school athletic coaches in cardiopulmonary resuscitation - use of automated external defibrillators - definitions. (3) Nothing in this section abrogates or limits:

(a) The protections applicable to:

(I) Any person or entity that renders emergency assistance through the use of an

automated external defibrillator pursuant to section 13-21-108.1 ~~C.R.S.~~ AND ARTICLE 53 OF TITLE 25; or

SECTION 3. In Colorado Revised Statutes, **repeal** 22-1-125.

SECTION 4. Appropriation. For the 2019-20 state fiscal year, \$15,000 is appropriated to the department of public health and environment for use by the health facilities and emergency medical services division. This appropriation is from the general fund. To implement this act, the division may use this appropriation for the state EMS coordination, planning and certification program.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 22, 2019