

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0312.01 Shelby Ross x4510

HOUSE BILL 19-1183

HOUSE SPONSORSHIP

Roberts,

SENATE SPONSORSHIP

(None),

House Committees

Health & Insurance
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill defines a public place and encourages any person that owns, operates, or manages a public place to place functional automated external defibrillators (AEDs) in sufficient quantities to ensure reasonable availability for use during perceived sudden cardiac arrest emergencies.

The bill requires any public place to accept any gift, grant, or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

donation of an AED that meets federal standards.

The department shall award a \$75,000 contract to a nonprofit organization for the purpose of acquiring and distributing AEDs to public places.

The bill extends good samaritan protections to a variety of persons and entities.

The bill repeals an obsolete provision that encouraged school districts to acquire an AED and moves that provision to article 51 of title 25. The bill also repeals an obsolete provision that provided limited immunity to persons rendering emergency assistance through the use of an AED.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 51 to title
3 25 as follows:

4 **ARTICLE 51**

5 **Automated External Defibrillators**

6 **25-51-101. Legislative declaration.** THE GENERAL ASSEMBLY
7 DECLARES THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
8 **ENCOURAGE** THE PLACEMENT AND ENCOURAGE THE USE OF AUTOMATED
9 EXTERNAL DEFIBRILLATORS FOR THE PURPOSE OF SAVING THE LIVES OF
10 PEOPLE IN CARDIAC ARREST.

11 **25-51-102. Definitions.** AS USED IN THIS ARTICLE 51, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

8 **25-51-103. Placement of automated external defibrillator -**
9 **donations - acquisitions - limited immunity.** (1) ANY PUBLIC SCHOOL
10 OR PERSON WHO OWNS, OPERATES, OR MANAGES A PUBLIC PLACE IS
11 ENCOURAGED TO PLACE FUNCTIONAL AEDS IN SUFFICIENT QUANTITIES TO
12 ENSURE REASONABLE AVAILABILITY FOR USE DURING PERCEIVED SUDDEN
13 CARDIAC ARREST EMERGENCIES.

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

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

23 (b) IF A PUBLIC SCHOOL OR PUBLIC PLACE ACCEPTS A DONATED
24 AED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION BUT THE PUBLIC
25 SCHOOL OR PUBLIC PLACE DOES NOT WANT TO ACCEPT RESPONSIBILITY FOR
26 AED TRAINING OR INSTALLATION OR FOR ENSURING THE AED IS IN
27 COMPLIANCE WITH THE MANUFACTURER'S MAINTENANCE SCHEDULE, THE

1 PUBLIC SCHOOL OR PUBLIC PLACE IS NOT REQUIRED TO ACCEPT THE AED
2 UNLESS THE DONATING PARTY AGREES TO BE RESPONSIBLE FOR AED
3 TRAINING, INSTALLATION, AND MAINTENANCE. THE PUBLIC SCHOOL OR
4 PUBLIC PLACE SHALL DECIDE WHEN THE AED TRAINING AND
5 INSTALLATION WILL TAKE PLACE. IF THE DONATING PARTY HAS ACCEPTED
6 RESPONSIBILITY FOR THE MAINTENANCE OF THE AED BUT CAN NO LONGER
7 PROVIDE MAINTENANCE, THE PUBLIC SCHOOL OR PUBLIC PLACE MAY
8 EITHER ACCEPT RESPONSIBILITY FOR THE MAINTENANCE OF THE AED OR
9 REMOVE THE AED FROM THE PUBLIC SCHOOL OR PUBLIC PLACE.

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

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

16
17 **SECTION 2.** In Colorado Revised Statutes, 22-1-125.5, **amend**
18 (3)(a)(I) as follows:

19 **22-1-125.5. Requirement for certification of public school**
20 **athletic coaches in cardiopulmonary resuscitation - use of automated**
21 **external defibrillators - definitions.** (3) Nothing in this section
22 abrogates or limits:

- 23 (a) The protections applicable to:
 - 24 (I) Any person or entity that renders emergency assistance through
 - 25 the use of an automated external defibrillator pursuant to **section**
 - 26 **13-21-108.1 C.R.S.** AND ARTICLE 51 OF TITLE 25; or

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

1 **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,
2 \$15,000 is appropriated to the department of public health and
3 environment for use by the health facilities and emergency medical
4 services division. This appropriation is from the general fund. To
5 implement this act, the division may use this appropriation for the state
6 EMS coordination, planning and certification program.

7 **SECTION 5. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2020 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.