

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

INTRODUCED

LLS NO. 19-0312.01 Shelby Ross x4510

HOUSE BILL 19-1183

HOUSE SPONSORSHIP

Roberts,

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PLACEMENT OF AUTOMATED EXTERNAL**
102 **DEFIBRILLATORS IN PUBLIC PLACES.**

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 donation of an AED that meets federal standards.

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.

1 AREA CAPABLE OF HOLDING ONE HUNDRED OR MORE PEOPLE AND TO
2 WHICH THE PUBLIC IS INVITED OR IN WHICH THE PUBLIC IS PERMITTED BUT
3 DOES NOT INCLUDE A PRIVATE RESIDENCE.

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

7 **25-51-103. Placement of automated external defibrillator -**
8 **donations - acquisitions - limited immunity.** (1) ANY PUBLIC SCHOOL
9 OR PERSON WHO OWNS, OPERATES, OR MANAGES A PUBLIC PLACE IS
10 ENCOURAGED TO PLACE FUNCTIONAL AEDS IN SUFFICIENT QUANTITIES TO
11 ENSURE REASONABLE AVAILABILITY FOR USE DURING PERCEIVED SUDDEN
12 CARDIAC ARREST EMERGENCIES.

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

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

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

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

1 (5) (a) ANY PERSON WHOSE PRIMARY DUTIES DO NOT INCLUDE THE
2 PROVISION OF HEALTH CARE AND WHO RENDERS OR FAILS TO RENDER
3 EMERGENCY CARE OR TREATMENT IN A SUSPECTED SUDDEN CARDIAC
4 ARREST EMERGENCY IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR
5 OMISSIONS, UNLESS THE ACTS OR OMISSIONS WERE NEGLIGENT OR WILLFUL
6 AND WANTON.

7 (b) THE LIMITED IMMUNITY PROVIDED IN SUBSECTION (5)(a) OF
8 THIS SECTION EXTENDS TO:

9 (I) ANY PERSON THAT PROVIDES TEACHING OR TRAINING
10 PROGRAMS FOR CPR TO INDIVIDUALS FROM THE SITE AT WHICH THE AED
11 IS LOCATED, WHICH PROGRAMS INCLUDE TRAINING IN THE USE OF AN AED;

12 (II) THE PERSON RESPONSIBLE FOR THE SITE WHERE THE AED IS
13 LOCATED;

14 (III) ANY LICENSED PHYSICIAN OR OTHER AUTHORIZED HEALTH
15 CARE PROVIDER, ANY PERSON THAT ISSUES A PRESCRIPTION FOR THE
16 PURCHASE OF AN AED, ANY PERSON OR ENTITY THAT PROVIDES MEDICAL
17 OVERSIGHT SERVICES TO A LOCATION WHERE AN AED IS LOCATED; AND

18 (IV) ANY PERSON OR ENTITY THAT IS INVOLVED WITH OR
19 RESPONSIBLE FOR THE DESIGN, MANAGEMENT, OR OPERATION OF AN AED
20 PROGRAM.

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

23 **22-1-125.5. Requirement for certification of public school**
24 **athletic coaches in cardiopulmonary resuscitation - use of automated**
25 **external defibrillators - definitions.** (3) Nothing in this section
26 abrogates or limits:

27 (a) The protections applicable to:

1 (I) Any person or entity that renders emergency assistance through
2 the use of an automated external defibrillator pursuant to ~~section~~
3 ~~13-21-108.1, C.R.S.~~ ARTICLE 51 OF TITLE 25; or

4 **SECTION 3.** In Colorado Revised Statutes, **repeal** 13-21-108.1
5 and 22-1-125.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.