

**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, Becker, 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

SENATE SPONSORSHIP

Bridges,

House Committees

Health & Insurance
Appropriations

Senate Committees

Health & Human Services
Appropriations

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.*

HOUSE
3rd Reading Unamended
March 29, 2019

HOUSE
Amended 2nd Reading
March 28, 2019

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
7 **25-51-101. Definitions.** AS USED IN THIS ARTICLE 51, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

4 **25-51-102. Placement of automated external defibrillator -**
5 **donations - acquisitions - limited immunity.** (1) ANY PUBLIC SCHOOL
6 OR PERSON WHO OWNS, OPERATES, OR MANAGES A PUBLIC PLACE IS
7 ENCOURAGED TO PLACE FUNCTIONAL AEDS IN SUFFICIENT QUANTITIES TO
8 ENSURE REASONABLE AVAILABILITY FOR USE DURING PERCEIVED SUDDEN
9 CARDIAC ARREST EMERGENCIES.

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

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

19 (b) IF A PUBLIC SCHOOL OR PUBLIC PLACE ACCEPTS A DONATED
20 AED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION BUT THE PUBLIC
21 SCHOOL OR PUBLIC PLACE DOES NOT WANT TO ACCEPT RESPONSIBILITY FOR
22 AED TRAINING OR INSTALLATION OR FOR ENSURING THE AED IS IN
23 COMPLIANCE WITH THE MANUFACTURER'S MAINTENANCE SCHEDULE, THE
24 PUBLIC SCHOOL OR PUBLIC PLACE IS NOT REQUIRED TO ACCEPT THE AED
25 UNLESS THE DONATING PARTY AGREES TO BE RESPONSIBLE FOR AED
26 TRAINING, INSTALLATION, AND MAINTENANCE. THE PUBLIC SCHOOL OR
27 PUBLIC PLACE SHALL DECIDE WHEN THE AED TRAINING AND

1 INSTALLATION WILL TAKE PLACE. IF THE DONATING PARTY HAS ACCEPTED
2 RESPONSIBILITY FOR THE MAINTENANCE OF THE AED BUT CAN NO LONGER
3 PROVIDE MAINTENANCE, THE PUBLIC SCHOOL OR PUBLIC PLACE MAY
4 EITHER ACCEPT RESPONSIBILITY FOR THE MAINTENANCE OF THE AED OR
5 REMOVE THE AED FROM THE PUBLIC SCHOOL OR PUBLIC PLACE.

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

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

12
13 **SECTION 2.** In Colorado Revised Statutes, 22-1-125.5, **amend**
14 (3)(a)(I) as follows:

15 **22-1-125.5. Requirement for certification of public school**
16 **athletic coaches in cardiopulmonary resuscitation - use of automated**
17 **external defibrillators - definitions.** (3) Nothing in this section
18 abrogates or limits:

19 (a) The protections applicable to:
20 (I) Any person or entity that renders emergency assistance through
21 the use of an automated external defibrillator pursuant to section
22 13-21-108.1 ~~C.R.S.~~ AND ARTICLE 51 OF TITLE 25; or

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

24 **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,
25 \$15,000 is appropriated to the department of public health and
26 environment for use by the health facilities and emergency medical
27 services division. This appropriation is from the general fund. To

1 implement this act, the division may use this appropriation for the state
2 EMS coordination, planning and certification program.

3 **SECTION 5. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.