

Changes to California AED Law Summarized

The intent of California AED law revisions, S.B. 658, effective January 1, 2016 is clearly to make it easier to obtain qualified immunity from civil liability in order to encourage broader placement and use of AEDs.

Backed by comments submitted by the American Heart Association and studies from the Centers for Disease Control & Prevention, Emergency Medical Services Authority and several additional organizations, it has been noted that increased access to AEDs are likely to directly increase cardiac arrest survival rates.

Although the new requirements establish new and different obligations on employers and business owners than previous requirements, the changes are designed to streamline state requirements making it easier to obtain immunity.



S.B. 658 provides that a person or entity that acquires an AED for emergency purposes is not liable for any civil damages resulting from use of an AED to provide emergency care if that person or entity does all of the following:

- Comply with all regulations governing placement of an AED.
- Notify the local emergency medical service agency of the existence, location and type of AED.
- Maintain and test the AED according to the manufacturer's guidelines.
- Test the AED at least twice a year (biannually) and after each use.
- Inspect all AEDs on the premises at least every 90 days.
- Maintain records of the maintenance and testing of the AED as required by the statute.

S.B. 658 also refines the requirements that building owners must follow to obtain immunity. The new statute requires a building owner, when an AED is placed in a building, to do **all** of the following:

- Annually notify building tenants of the location of the AED unit(s) and provide information to tenants about how to voluntarily take CPR and AED training.
- Annually offer a demonstration to at least one person associated with the building on how to properly use an AED in an emergency.
- Post instructions on how to use the AED next to the AED in at 14-point font.

The new bill eliminates many of the more onerous provisions of existing law. Those changes include:

- Eliminates employee CPR training and employee use of AEDs training.
- Eliminates employee training to respond to emergencies during normal business hours.
- Eliminates the requirement that there be a written plan that describes the procedures to be followed in the event of an emergency.
- Eliminates the inspection requirements that the AEDs be checked for readiness after each use and at least every 30 days if the AED has not been used in the preceding 30 days.
- Eliminates the requirement that any person who renders emergency care or treatment on a person in cardiac arrest using the AED activate the emergency medical services system as soon as possible, and reports any use of the AED to a licensed physician and to the local EMS agency.
- Eliminates the requirement that building owners where an AED is placed ensure that tenants receive a brochure, approved by the American Heart Association or American Red Cross, which describes the proper use of an AED.
- Revises the requirement that an agent of the local EMS agency be notified of the existence, location and type of AED acquired by requiring this notification to be done by the person or entity who acquired the AED, **rather than the** existing law requirement that this notification be done by the person or entity that supplied the AED.

- Eliminates the requirement that the AED's maintenance and testing comply with guidelines set forth by the American Heart Association, The American Red Cross, and according to any applicable rules and regulations set forth by the governmental authority under the federal Food and Drug Administration (FDA) and any other applicable state and federal authority.

Some Key Points and Best Practices

S.B. 658 does retain prior law language that provides immunity for persons using an AED for emergency care when they do so "in good faith and not for compensation."

Additionally, S.B. 658 provides that a medical director or other physician and/or surgeon are ***not*** required to be involved in the acquisition or placement of an AED.

Law 360 encourages employers and building owners in California to review and update their policies and procedures regulating the use of AEDs to reflect the new changes brought forth by S.B. 658, January 1, 2015.

The National Institutes of Health suggests that employee training on the usage of AEDs as well as CPR training are helpful in the use of AED's, although training is no longer required.

Keep in mind; it is important to remind anyone who may use an AED that the device must only be used "in good faith."

*Although "in good faith" is not defined in S.B. 658, some legal resources define it as: Good faith is an abstract and comprehensive term that encompasses a sincere belief or motive without any malice or the desire to defraud others.

For Senate Bill No. 658 detailed information visit California Legislative Information directly at;
http://leginfo.ca.gov/faces/resources/images/header_img.png

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