

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
Revised

House Bill 364

(Delegate Hucker, *et al.*)

Health and Government Operations

Finance

Swimming Pools - Automated External Defibrillator Programs (Connor's Law)

This bill requires counties and municipalities that own or operate swimming pools to develop and implement an automated external defibrillator (AED) program. The Department of Health and Mental Hygiene (DHMH) and the Maryland Institute for Emergency Medical Services Systems (MIEMSS) must jointly adopt regulations that (1) establish guidelines for periodic inspections and annual maintenance of AEDs and (2) assist counties and municipalities in carrying out the bill's provisions. The AED program required under the bill must include provisions ensuring that (1) an AED is provided on-site and (2) an individual trained in the operation and use of an AED is present at each swimming pool.

Fiscal Summary

State Effect: Because many counties and municipalities already participate in the voluntary AED program, the number of additional applications received under the bill is not expected to be significant. Thus, the bill's requirements can likely be handled with existing budgeted resources. Revenues are not affected.

Local Effect: Local government expenditures increase for counties and municipalities that own or operate swimming pools and do not already participate in the voluntary AED program or otherwise comply with program requirements. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background: Chapter 167 of 1999 (SB 294), which created the AED program, authorizes a facility to make AEDs available to victims of sudden cardiac arrest. The program is administered by the Emergency Medical Services Board, which certifies facilities to operate AEDs. A certificate is valid for three years and is not required for a health care facility, a licensed commercial ambulance service, or a jurisdictional emergency medical service. The board formerly set fees for certificates for other AED program services to approximate program costs, but program fees were eliminated by Chapter 593 of 2008 (SB 570).

DHMH advises that 147 community swimming pools have an active AED program that is registered with MIEMSS. DHMH further advises that a survey completed by the department in 2007 indicated that there are approximately 2,900 swimming pools in the State that are either public or semi-public.

Chapter 349 of 2007 (SB 742) required MIEMSS, in consultation with stakeholders, to study whether AEDs should be provided on-site at swimming pools in the State. MIEMSS was tasked to examine (1) which swimming pools should be required to provide AEDs; (2) whether the presence of individuals trained in the use of AEDs should be required at swimming pools; and (3) the safety of providing an AED at swimming pools. MIEMSS also had to recommend other locations that should be required to have AEDs.

In December 2007, MIEMSS submitted its AED report, which categorized locations into those considered to be high-, intermediate-, or low-risk. MIEMSS recommended that high-risk locations (including hospitals, enclosed malls, and racetracks) have AED availability. MIEMSS further recommended that intermediate-risk locations (including sports stadiums, amusement parks, and golf courses) be *considered* as locations for AEDs. With respect to low-risk locations (including swimming pools, restaurants, and churches), MIEMSS recommended only *voluntary* placement of AEDs.

Most AEDs are about the size of a laptop computer. They analyze a cardiac arrest victim's cardiac rhythm; charge to an appropriate energy level; and deliver an electric charge, as directed by the operator, through adhesive pads placed on the victim's chest. According to DHMH, AED units cost between \$1,200 and \$2,000.

The American Red Cross of Central Maryland offers on-site AED operation training. The cost of an AED training course ranges from \$70 to \$110 per person.

The American Heart Association (AHA) advises AED placement in all emergency medical services first-response vehicles and targeted public areas such as sports arenas,

gated communities, office complexes, doctor's offices, and shopping malls. If an AED is placed in a business or facility, AHA recommends that (1) a local emergency medical services office be notified; (2) a licensed physician or medical authority provide medical oversight; and (3) the individuals responsible for using the AED be properly trained.

Local Expenditures: Local government expenditures increase for counties and municipalities that own or operate swimming pools and do not already participate in the voluntary AED program or otherwise comply with program requirements. For example, Charles County advises that it must purchase up to five AEDs under the bill. In addition, Frederick County advises that it has to purchase up to four AEDs, while Frederick City expects to have to purchase two AEDs. Expenditures for such counties and municipalities further increase to provide employee training and ensure that at least one employee with the required training is on-site at all times.

Anne Arundel and Montgomery counties advise that all swimming pools owned or operated by those counties are already required to comply with the AED program.

Local health departments can handle enforcement with existing resources during regular pool inspection visits.

Additional Information

Prior Introductions: SB 990 of 2011, a similar bill, was rereferred to the Senate Rules Committee, but no further action was taken. SB 330 of 2008, another similar bill, received a hearing in the Senate Finance Committee, but no further action was taken.

Cross File: None.

Information Source(s): Anne Arundel, Charles, Frederick, and Montgomery counties; cities of Frederick and Havre de Grace; Maryland Institute for Emergency Medical Services Systems; Department of Health and Mental Hygiene; Maryland Association of County Health Officers; Department of Legislative Services

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