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FISCAL AND POLICY NOTE
First Reader

House Bill 460
Judiciary

(Montgomery County Delegation)

Montgomery County - Law Enforcement Vehicles - Automated External
Defibrillator
MC 26-17

This bill requires, by October 1, 2020, in Montgomery County, the patrol vehicle of each law enforcement officer trained as a “first responder” to be equipped with an “automated external defibrillator” (AED). The bill does not apply to a vehicle used by a law enforcement officer solely for transit purposes across or through Montgomery County. Affected law enforcement agencies include all of the State and local government agencies listed under the Law Enforcement Officers’ Bill of Rights that patrol in Montgomery County.

The bill takes effect October 1, 2018.

Fiscal Summary

State Effect: General fund expenditures increase by *at least* \$112,500 in FY 2019 to equip State Police vehicles with AED units. Nonbudgeted expenditures for the Maryland Transportation Authority (MDTA) increase by \$20,900 in FY 2019. Transportation Trust Fund expenditures for the Maryland Transit Administration (MTA) increase by \$78,000 in FY 2019. Costs for maintenance and replacement units could accrue in future years. Revenues are not affected.

Local Effect: Montgomery County expenditures increase by about \$1.5 million in FY 2019 to equip vehicles with AED units; costs for maintenance and replacement units could occur in future years. Additional expenditures for AED purchases may also be incurred by the law enforcement units of the Montgomery County Sheriff’s Office, Chevy Chase Village, Gaithersburg, Rockville, and Takoma Park in varying amounts. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill's definition of "law enforcement agency" includes the following law enforcement agencies listed under the Law Enforcement Officers' Bill of Rights:

- the Department of State Police (DSP);
- the Police Department of Baltimore City;
- the Baltimore City School Police Force;
- the Baltimore City Watershed Police Force;
- the police department, bureau, or force of a county;
- the police department, bureau, or force of a municipal corporation;
- the office of the sheriff of a county;
- the police department, bureau, or force of a bi-county agency;
- MDTA Police;
- the police forces of the Maryland Department of Transportation;
- the police forces of the Department of Natural Resources;
- the Field Enforcement Bureau of the Comptroller's Office;
- the Housing Authority of Baltimore City Police Force;
- the Crofton Police Department;
- the police force of the Department of Health and Mental Hygiene;
- the police force of the Department of General Services;
- the police force of the Department of Labor, Licensing, and Regulation;
- the police forces of the University System of Maryland;
- the police force of Morgan State University;
- the office of State Fire Marshal;
- the Ocean Pines Police Department;
- the police force of the Baltimore City Community College;
- the police force of the Hagerstown Community College;
- the Internal Investigation Unit of the Department of Public Safety and Correctional Services;
- the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services; or
- the police force of the Anne Arundel Community College.

An “automated external defibrillator” is defined as a medical heart monitor and defibrillator device that (1) is cleared for market by the federal Food and Drug Administration; (2) recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia; (3) determines, without intervention by an operator, whether defibrillation should be performed; (4) on determining that defibrillation should be performed, automatically charges; and (5) requires operator intervention to deliver the electrical impulse or automatically continues with delivery of electrical impulse.

A “first responder” is an individual who (1) is licensed or certified to provide emergency medical services in the State, as specified, or has been trained in cardiopulmonary resuscitation and AED use by a law enforcement agency and (2) provides services to an individual before the individual is admitted to a hospital.

Current Law/Background: Chapter 167 of 1999 established an AED Program that authorizes a facility to make an AED available to victims of sudden cardiac arrest. The program is administered by the Emergency Medical Services Board, which is authorized to issue certificates to facilities that wish to operate AED equipment and set reasonable fees for certificates and other AED program services so as to approximate program costs. 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.

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 the American Heart Association (AHA), a generic AED is available at a cost of \$1,500 to \$2,500. The more rugged “tough book” AED, typically in the back of an ambulance, costs about \$3,000.

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.

According to the *2015 Uniform Crime Report for Maryland (Crime in Maryland)*, there are a total of 1,580 sworn law enforcement officers in Montgomery County. This includes the sworn personnel of the Montgomery County Police Department (1,263), the Montgomery County Sheriff’s Office (135), the Maryland-National Capital Park Police (92), DSP (39), as well as municipal departments in Chevy Chase Village (11), Gaithersburg (59), Rockville (56), and Takoma Park (40).

State Expenditures: General fund expenditures increase by *at least* \$112,500 in fiscal 2019 (due to the bill's delayed effective date) to equip State Police vehicles with AED units. Nonbudgeted expenditures for MDTA increase by \$20,940 in fiscal 2019 to equip vehicles with AED units. Transportation Trust Fund expenditures for MTA increase by \$78,000 in fiscal 2019 to equip vehicles with AED units. State expenditures could be higher to the extent any other agencies are subject to the bill's requirements.

Department of State Police

DSP advises that, in order to comply with the bill's requirements, it needs to equip the 31 patrol vehicles assigned to the Rockville barrack and the 14 Commercial Vehicle Enforcement Division patrol vehicles that work in Montgomery County with an AED. DSP also advises that (1) all troopers receive AED training and meet the definition of first responders under the bill and (2) the type of AED that would be selected for State Police patrol vehicles is the more rugged tough book unit.

Accordingly, the estimated cost of equipping 45 State Police vehicles with tough book AED units is \$112,500 (45 x \$2,500) in fiscal 2019. The purchase of less expensive AEDs could reduce those costs. Replacement and maintenance costs are not included in this estimate, but could accrue in future years.

Maryland Transportation Authority and Maryland Transit Administration

MDTA advises that the bill requires MDTA police units patrolling the InterCounty Connector in Montgomery County to purchase and maintain AED units at an initial cost of \$20,940 for 12 vehicles. This initial purchase cost includes delivery charges, supplies, and backup batteries. Replacement and maintenance costs are not included in this estimate, but could accrue in future years. Generally, batteries require replacement after four years at a cost of \$1,968.

MTA advises that approximately 16 police vehicles patrolling in Montgomery County are already equipped with AEDs, and MTA police officers have been trained in their operation. MTA further advises that to equip the remaining fleet of 46 vehicles costs approximately \$78,000. Replacement and maintenance costs are not included in this estimate but could accrue in future years.

Other State Agencies

In addition, although the bill does not apply to a vehicle being used by a law enforcement officer solely for transit purposes across or through Montgomery County, the bill applies its AED requirement to any law enforcement patrol vehicle in Montgomery County, without regard as to whether the law enforcement agency responsible for the operation of

the vehicle is based in Montgomery County or on assignment in the county. While it is unclear how many vehicles owned and operated by other potentially affected units of State government perform patrol work in Montgomery County, it is assumed that most do not. Should the operations of any affected State police units in Montgomery County be deemed to be patrol work, additional State costs accrue.

Local Fiscal Effect: The Montgomery County Police Department (MCPD) reports that the department currently has 195 AEDs distributed among its police vehicles. In addition, MCPD funds approximately 50 additional AEDs per year in the operating budget at a cost of approximately \$1,800 per unit. With the bill's requirement that all patrol vehicles of officers trained as first responders be equipped with an AED, the county advises that it needs to equip an additional 1,200 vehicles. Accordingly, additional expenditures for the county are estimated to total \$1.5 million in fiscal 2019. Replacement and maintenance costs are not included in this estimate, but could accrue in future years.

Expenditures also increase for the Montgomery County Sheriff's Office, Chevy Chase Village, Gaithersburg, Rockville, and Takoma Park in varying amounts – though per unit AED costs are assumed to be similar.

According to DSP, the Maryland-National Capital Park and Planning Commission (MNCPPC) indicates that MNCPPC needs to equip 95 vehicles at a cost of \$237,500 (95 x \$2,500) in fiscal 2019.

Additional Information

Prior Introductions: SB 308 of 2014, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee but was subsequently withdrawn. Its cross file, HB 139, was scheduled for a hearing in the House Health and Government Operations Committee, but the hearing was cancelled and no further action was taken on the bill.

Cross File: None.

Information Source(s): Montgomery County; Department of General Services; Department of State Police; Maryland Department of Transportation; American Heart Association; Department of Legislative Services

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