

HOUSE BILL 288

J1
HB 1194/16 – HGO

3lr2480
CF SB 299

By: ~~Delegate Cullison~~ Delegates Cullison, Pena-Melnyk, Alston, Bagnall, Guzzone, Hill, Kaiser, R. Lewis, Rosenberg, Taveras, and Woods

Introduced and read first time: January 25, 2023

Assigned to: Health and Government Operations and Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2023

CHAPTER _____

1 AN ACT concerning

2 ~~Food Service Facilities~~ Grocery Stores and Restaurants – Automated External
3 Defibrillator Program
4 (Joe Sheya Act)

5 FOR the purpose of requiring the ~~owner and operator~~ owners and operators of a certain
6 ~~food service facility~~ certain grocery stores and restaurants, beginning on a certain
7 ~~date, to develop and, beginning on a certain date, implement an automated external~~
8 ~~defibrillator program that meets certain requirements~~ place an automated external
9 defibrillator in a certain area and maintain the functionality of the automated
10 external defibrillator, granting certain immunities to grocery stores, restaurants,
11 and individuals for certain acts or omissions under certain circumstances; altering
12 the definition of “facility” for the purpose of excluding certain restaurants and
13 grocery stores from the Public Access Automated External Defibrillator Program;
14 requiring the Maryland Department of Health and the Maryland Institute for
15 Emergency Medical Services Systems jointly to adopt certain regulations; and
16 generally relating to an automated external defibrillator program for ~~food service~~
17 facilities, grocery stores and restaurants.

18 BY repealing and reenacting, with amendments,

19 Article – Education

20 Section 13–517(a)

21 Annotated Code of Maryland

22 (2022 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Health – General
3 Section 21–330.3
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2022 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Education**

9 13–517.

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) “Automated external defibrillator (AED)” means a medical heart
12 monitor and defibrillator device that:

13 (i) Is cleared for market by the federal Food and Drug
14 Administration;

15 (ii) Recognizes the presence or absence of ventricular fibrillation or
16 rapid ventricular tachycardia;

17 (iii) Determines, without intervention by an operator, whether
18 defibrillation should be performed;

19 (iv) On determining that defibrillation should be performed,
20 automatically charges; and

21 (v) 1. Requires operator intervention to deliver the electrical
22 impulse; or

23 2. Automatically continues with delivery of electrical
24 impulse.

25 (3) “Certificate” means a certificate issued by the EMS Board to a
26 registered facility.

27 (4) (I) “Facility” means an agency, association, corporation, firm,
28 partnership, or other entity.

29 (II) “FACILITY” DOES NOT INCLUDE A GROCERY STORE OR
30 RESTAURANT THAT IS SUBJECT TO § 21–330.3 OF THE HEALTH – GENERAL
31 ARTICLE.

1 (5) “Jurisdictional emergency medical services operational program”
2 means the institution, agency, corporation, or other entity that has been approved by the
3 EMS Board to provide oversight of emergency medical services for each of the local
4 government and State and federal emergency medical services programs.

5 (6) “Program” means the Public Access Automated External Defibrillator
6 Program.

7 (7) “Regional administrator” means the individual employed by the
8 Institute as regional administrator in each EMS region.

9 (8) “Regional council” means an EMS advisory body as created by the Code
10 of Maryland Regulations 30.05.

11 (9) “Regional council AED committee” means a committee appointed by the
12 regional council consisting of:

13 (i) The regional medical director;

14 (ii) The regional administrator; and

15 (iii) Three or more individuals with knowledge of and expertise in
16 AEDs.

17 (10) “Registered facility” means an organization, business association,
18 agency, or other entity that meets the requirements of the EMS Board for registering with
19 the Program.

20 Article – Health – General

21 **21-330.3.**

22 (A) **(1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

24 **(2) “AUTOMATED EXTERNAL DEFIBRILLATOR (AED)” MEANS A**
25 **MEDICAL HEART MONITOR AND DEFIBRILLATOR DEVICE THAT:**

26 **(I) IS CLEARED FOR MARKET BY THE FEDERAL FOOD AND**
27 **DRUG ADMINISTRATION;**

28 **(II) RECOGNIZES THE PRESENCE OR ABSENCE OF**
29 **VENTRICULAR FIBRILLATION OR RAPID VENTRICULAR TACHYCARDIA;**

30 **(III) DETERMINES, WITHOUT INTERVENTION BY AN OPERATOR,**
31 **WHETHER DEFIBRILLATION SHOULD BE PERFORMED;**

1 (IV) ON DETERMINING THAT DEFIBRILLATION SHOULD BE
 2 PERFORMED, AUTOMATICALLY CHARGES; AND

3 (V) 1. REQUIRES OPERATOR INTERVENTION TO DELIVER
 4 THE ELECTRICAL IMPULSE; OR

5 2. AUTOMATICALLY CONTINUES WITH DELIVERY OF THE
 6 ELECTRICAL IMPULSE.

7 (3) "GROCERY STORE" MEANS A STORE THAT HAS:

8 (I) ALL MAJOR FOOD DEPARTMENTS, INCLUDING PRODUCE,
 9 MEAT, SEAFOOD, DAIRY, AND CANNED AND PACKAGED GOODS; OR

10 (II) 1. AT LEAST ONE OF THE MAJOR FOOD DEPARTMENTS;
 11 AND

12 2. AT LEAST 12,000 SQUARE FEET OF FLOOR SPACE.

13 (B) THIS SECTION DOES NOT APPLY TO ~~A FOOD SERVICE FACILITY;~~

14 (1) A GROCERY STORE THAT HAS AN ANNUAL GROSS INCOME OF
 15 ~~\$400,000~~ \$10,000,000 OR LESS; OR

16 (2) A RESTAURANT WITH:

17 (I) AN ANNUAL GROSS INCOME OF \$1,000,000 OR LESS,
 18 EXCLUSIVE OF SALES FOR OFF-PREMISES CONSUMPTION; OR

19 (II) A SEATING CAPACITY OF LESS THAN 100 INDIVIDUALS.

20 ~~(B) (C) THE BEGINNING JANUARY 1, 2024, EACH OWNER AND OPERATOR~~
 21 ~~OF A FOOD SERVICE FACILITY GROCERY STORE OR RESTAURANT SHALL DEVELOP~~
 22 ~~AND, BEGINNING JANUARY 1, 2025, IMPLEMENT AN AUTOMATED EXTERNAL~~
 23 ~~DEFIBRILLATOR PROGRAM THAT MEETS THE REQUIREMENTS OF §~~
 24 ~~13-517 OF THE EDUCATION ARTICLE;~~

25 (1) PLACE AN AUTOMATED EXTERNAL DEFIBRILLATOR IN A
 26 PROMINENT AREA, ACCESSIBLE TO EMPLOYEES AND CUSTOMERS; AND

27 (2) MAINTAIN THE FUNCTIONALITY OF THE AUTOMATED EXTERNAL
 28 DEFIBRILLATOR.

1 (D) IN ADDITION TO ANY OTHER IMMUNITIES AVAILABLE UNDER
2 STATUTORY OR COMMON LAW:

3 (1) A GROCERY STORE OR RESTAURANT IS NOT CIVILLY LIABLE FOR
4 ANY ACT OR OMISSION IN THE PROVISION OF AUTOMATED EXTERNAL
5 DEFIBRILLATION IF THE GROCERY STORE OR RESTAURANT HAS SATISFIED THE
6 REQUIREMENTS UNDER THIS SECTION;

7 (2) AN INDIVIDUAL IS NOT CIVILLY LIABLE FOR ANY ACT OR
8 OMISSION IF:

9 (i) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE
10 RENDERING AUTOMATED EXTERNAL DEFIBRILLATION TO ANOTHER INDIVIDUAL
11 WHO IS A VICTIM OR REASONABLY BELIEVED BY THE INDIVIDUAL TO BE A VICTIM OF
12 A SUDDEN CARDIAC ARREST;

13 (ii) THE ASSISTANCE OR AID IS PROVIDED IN A REASONABLY
14 PRUDENT MANNER; AND

15 (iii) THE AUTOMATED EXTERNAL DEFIBRILLATION IS PROVIDED
16 WITHOUT FEE OR OTHER COMPENSATION; AND

17 (3) A GROCERY STORE, RESTAURANT, OR INDIVIDUAL IS NOT CIVILLY
18 LIABLE FOR FAILING TO RENDER AUTOMATED EXTERNAL DEFIBRILLATION TO AN
19 INDIVIDUAL WHO IS A VICTIM OR IS REASONABLY BELIEVED TO BE A VICTIM OF A
20 SUDDEN CARDIAC ARREST.

21 ~~(E)~~ (E) THE DEPARTMENT AND THE MARYLAND INSTITUTE FOR
22 EMERGENCY MEDICAL SERVICES SYSTEMS JOINTLY SHALL ADOPT REGULATIONS
23 THAT:

24 (1) ESTABLISH GUIDELINES FOR PERIODIC INSPECTIONS AND
25 ANNUAL MAINTENANCE OF THE AUTOMATED EXTERNAL DEFIBRILLATORS; ~~AND~~

26 (2) ASSIST THE OWNER AND OPERATOR OF A ~~FOOD SERVICE FACILITY~~
27 GROCERY STORE OR RESTAURANT IN CARRYING OUT THE PROVISIONS OF THIS
28 SECTION; ~~AND~~

29 (3) REQUIRE EACH GROCERY STORE AND RESTAURANT SUBJECT TO
30 THIS SECTION TO REGISTER WITH THE MARYLAND INSTITUTE FOR EMERGENCY
31 MEDICAL SERVICES SYSTEMS IN ORDER TO:

32 (i) MAKE ITS LOCATION PUBLICLY AVAILABLE TO EMERGENCY
33 DISPATCHERS; AND

1 (II) RECEIVE MAINTENANCE AND RECALL NOTICES FROM THE
 2 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That:

4 (a) On or before December 1, 2024, the Maryland Institute for Emergency Medical
 5 Services Systems shall report to the Senate Finance Committee, the House Health and
 6 Government Operations Committee, and the House Economic Matters Committee, in
 7 accordance with § 2–1257 of the State Government Article, on:

8 (1) the grocery stores and restaurants that registered automated external
 9 defibrillators in accordance with regulations adopted under § 21–330.3 of the Health –
 10 General Article, as enacted by Section 1 of this Act; and

11 (2) the number of adverse cardiac events that required the use of an
 12 automated external defibrillator experienced in the grocery stores and restaurants that
 13 registered the automated external defibrillators.

14 (b) On or before December 1, 2024, the Maryland Institute for Emergency Medical
 15 Services Systems, in collaboration with the Maryland Restaurant Association and the
 16 Maryland Retailers Association, shall evaluate the impact of expanding the scope of §
 17 21–330.3 of the Health – General Article, as enacted by Section 1 of this Act, to include
 18 more restaurants and grocery stores and report its findings and recommendations to the
 19 Senate Finance Committee, the House Health and Government Operations Committee, and
 20 the House Economic Matters Committee, in accordance with § 2–1257 of the State
 21 Government Article.

22 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 23 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.