

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2177-01
Bill No.: SB 423
Subject: Emergencies; Liability
Type: Original
Date: March 20, 2019

Bill Summary: This proposal modifies provisions of the Public Access to Automated External Defibrillator Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Colleges and Universities	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on Other State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **St. Louis County Police Department (St. Louis County PD)** state they have approximately 38 automated external defibrillators (AEDs) that would need to be tested on the 90-day schedule. Each test/inspection would take approximately 15 minutes. The total testing time would be 9.5 hours (38 AEDs * 15 minutes/60 minutes per hour = 9.5 hours). Additionally, the testing would have to be done every quarter (12 months/4 = every 3 months or approximately 90 days) to stay within the time-line of the proposal. This increases the testing time to 38 hours (9.5 hours * 4 quarters = 38 hours).

Because the locations of the AED vary across St. Louis County boundaries, drive time would be a significant addition to the cost of the tests. Drive time to each AED device is difficult to estimated due to varying time-lines.

The St. Louis County PD would have to devote a minimum of 40 hours a year, or 120 hours every three years, to test the AEDs. Basing the salary on a Professional Staff 110, the average hourly wage with fringe benefits is \$31.82 per hours. The estimated total cost per year is \$1,273 per year (\$3,818 for the three year period of the fiscal note) to the St. Louis County PD.

Oversight does not have any information to the contrary for local government costs for this proposal. For fiscal note purposes, Oversight will reflect costs to all local governments as (Unknown).

Officials from the **University of Missouri Health Care System** has reviewed the proposed legislation and has determined that as written, it should not create expenses in excess of \$100,000 annually, which is an amount that can be absorbed within current funding levels.

Oversight contacted University of Missouri Health Care System (UMHCS) officials regarding their "less than \$100,000" fiscal impact. Officials indicated UMHCS currently has AEDs in their ambulances and throughout the institution. Although manufacturers' maintenance and care policies/procedures are followed, UMHCS has concerns there may be additional costs associated with this proposal above what is currently incurred and want to make sure they adhere to the provisions of the proposal. UMHCS officials also indicated that the expenses expected to be incurred under the provisions of this proposal would be "absorbable" within current funding levels.

Based upon the responses we have received, **Oversight** will reflect a potential cost to local political subdivisions as well as colleges and universities to implement the provisions of this bill.

ASSUMPTION (continued)

Officials from the **Office of Administration (OA), Facilities Management, Design and Construction (FMDC)** state this bill modifies the requirements associated with an automated external defibrillator (AED). This bill states that any person or entity who acquires an AED shall comply with all regulations governing the placement of an AED; notify an agent of the local emergency medical services agency of the existence, location, and type of AED acquired; ensure that the AED is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer, ensure that the AED is tested at least biannually and after each use; and ensure that an inspection is made of all AEDs on the premises at least every ninety days for potential issues related to operability of the device. The bill also states that any person who, in good faith renders emergency care by use of or provision of an AED, shall not be liable for any civil damages or subject to any criminal penalty as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. The person or entity who provides training to the person using an AED, the person or entity responsible for the site where the AED is located, and the person or entity that owns the AED shall likewise not be held liable for civil damages or subject to any criminal penalty resulting from the use of an AED.

FMDC estimates these changes to the requirements associated with AEDs will not materially alter FMDC's costs associated with AEDs because FMDC rarely "acquires" AED. Therefore, FMDC estimates this fiscal impact can be absorbed with current resources.

Oversight does not have any information to the contrary. Oversight assumes the OA, FMDC has sufficient staff and resources to perform the additional duties required by this legislation and will reflect a zero impact for OA, FMDC in the fiscal note.

Oversight notes that the **Department of Health and Senior Services, the Department of Natural Resources, the Department of Public Safety: Director's Office, Capitol Police, Division of Fire Safety, and the Missouri State Highway Patrol, the Missouri Department of Conservation, the City of Kansas City, the Andrew County Health Department, the Bollinger County Health Center, the Columbia/Boone County Department of Public Health and Human Services, the Springfield Police Department, the Wellsville-Middleton R-1 School District, and State Technical College of Missouri** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

ASSUMPTION (continued)

In response to similar legislation (HB 1038), officials from **Osage County**, the **Joplin Police Department** and the **St. Louis County Department of Justice Services** assumed the proposal would have no fiscal impact on their organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for these organizations for fiscal note purposes.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other Cities, Counties, Local Public Health Agencies, Ambulances, Fire Departments, Sheriffs' Offices, Police Departments, Schools, and Colleges and Universities were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
COLLEGES AND UNIVERSITIES			
<u>Costs - Colleges and Universities</u>			
AED maintenance and upkeep	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
LOCAL GOVERNMENTS - ALL			
<u>Costs - Local Governments</u>			
AED maintenance and upkeep	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Currently, persons or entities that have acquired an automated external defibrillator (AED) are required to ensure that expected users receive CPR and AED training from the American Red Cross, American Heart Association, or other equivalent training course, that the AED user activate the emergency medical services system as soon as possible, and that an AED placed outside of a health care facility have a physician review the protocol and training. This act repeals these provisions and requires that a person or entity who acquires an AED to comply with all regulations governing placement of the AED, notify the local emergency medical services agency of the AED's existence, location, and type, ensure that the AED is maintained and tested to the manufacturer's guidelines, ensure that testing of the AED occurs at least biannually and after each use, and ensure that an inspection of all AEDs is made every 90 days.

Currently, a person who gratuitously and in good faith renders emergency care through the use or provision of an AED shall not be held liable for any civil damages unless acting in a willful and wanton or reckless manner. This act extends this immunity to criminal penalties. Additionally, a person or entity that provides training, owns the AED, or is responsible for the site where the AED is located shall likewise not be held liable.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services Department
Natural Resources
Department of Public Safety -
 Director's Office
 Capitol Police
 Division of Fire Safety
 Missouri State Highway Patrol
Missouri Department of Conservation
Office of Administration -
 Facilities Management, Design and Construction
City of Kansas City
Osage County

SOURCES OF INFORMATION (continued)

Andrew County Health Department
Bollinger County Health Center
Columbia/Boone County Department of Public Health and Human Services
Joplin Police Department
Springfield Police Department
St. Louis County Department of Justice Services
St. Louis County Police Department
Wellsville-Middleton R-1 School District
State Technical College of Missouri
University of Missouri Health Care System



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