

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2181-01  
Bill No.: HB 1038  
Subject: Health, Public  
Type: Original  
Date: March 20, 2019

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Bill Summary: This proposal modifies provisions relating to authorized uses of automated external defibrillators.

**FISCAL SUMMARY**

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

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

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

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

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

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

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

## **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 years of the fiscal note) to the St. Louis County PD.

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.

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

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

ASSUMPTION (continued)

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, Osage County, the Andrew County Health Department, the Bollinger County Health Center, the Columbia/Boone County Department of Public Health and Human Services, the Joplin Police Department, the Springfield Police Department, the St. Louis County Department of Justice Services, 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.

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.

**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

ASSUMPTION (continued)

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](http://www.legislativeoversight.mo.gov).

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
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**COLLEGES AND UNIVERSITIES**

Costs - Colleges and Universities

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

Costs - Local Governments

AED maintenance and upkeep	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
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<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS</b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>
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FISCAL IMPACT - Small Business

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

### FISCAL DESCRIPTION

This bill modifies the Public Access to Automated External Defibrillator Act.

The bill states that a person or entity that acquires an automated external defibrillator (AED) shall: (1) Comply with regulations regarding the placement of the AED; (2) Notify an agent of the local EMS agency of the AED and the AED's location; (3) Ensure that the AED is maintained and tested according to the guidelines set forth by the manufacturer; (4) Ensure that the AED is tested at least biannually and after each use; and (5) Ensure that an inspection is made of all AEDs at least every 90 days.

The bill removes provisions that AED users receive training from the American Red Cross or American Heart Association, that any person who uses an AED activates the emergency medical services system as soon as possible and that any person who has an AED for use outside of a health care facility must have a physician review and approve the clinical protocol for use of the AED.

The bill removes liability for a criminal penalty for any person who gratuitously and in good faith renders emergency care by use of an AED. The bill also removes liability for a criminal penalty for a person who provides AED training, the person who owns the AED, and the person who is responsible for the site where the AED is located.

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  
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



Kyle Rieman  
Director  
March 20, 2019

Ross Strobe  
Assistant Director  
March 20, 2019