



# AUTOMATED EXTERNAL DEFIBRILLATORS

*Recent changes in California law makes AED management less complicated and less risky*

SAFETY COMMUNICATION

In the United States, over 35,000 cardiac arrests occur each month outside the hospital setting, with an average survival rate of 5%. The American Heart Association estimates that immediate CPR and early defibrillation with an AED can more than double a victim’s chance of survival.



Public and private organizations alike see the inherent value of having AEDs available, but complying with state and local requirements can be very challenging.

**GOOD NEWS!** California Senate Bill 658 went into effect January 1, 2016. The bill substantially reduces program requirements placed on AED owners and enhances Good Samaritan protections. This Safety Communication provides a condensed comparison of past and current requirements. For a complete review of SB 658 go to <http://leginfo.legislature.ca.gov>.

*If your agency has been hesitant to install an AED due to the cost of maintaining a program or concerns about liability, these new laws may change your decision.*

## KEY CHANGES IN THE LAW

- CPR/AED training is not required.
- AED inspection requirements are less stringent.
- A medical director/physician is not required.
- An AED-specific written plan is not required.
- K-12 schools are not required to designate AED trained employees.

## CHANGES IN THE CALIFORNIA CIVIL CODE [1714.21](#)

PAST	CURRENT
Any person who, in good faith and not for compensation, uses an AED in an emergency is immune from civil liability.	No change.
Health care professionals that participate in the acquisition and placement of an AED are immune from civil liability if they comply with the Health and Safety Code requirements.	Health care professionals who are involved in the selection, placement or installation of an AED have unconditional protection from civil liability and ARE NOT subject to Health and Safety Code requirements.
Any person or entity that acquires or participates in the acquisition and placement of an AED is immune from civil liability due to the acts or omissions of people who use the AED in an emergency, as long as the person or entity complies with the Health and Safety Code requirements.	No change to the Civil Code wording but the Health and Safety Code requirements have changed. See next page.



## CHANGES IN THE CALIFORNIA CIVIL CODE [1714.21](#)

PAST	CURRENT
Civil immunities do not apply when there is gross negligence or willful or wanton misconduct of the AED user.	No change.
Civil code does not release from liability a manufacturer, designer, developer, distributor, installer or supplier of an AED.	No change.
A medical director or physician must be involved in the acquisition and placement of the AED.	A medical director or physician IS NOT required for the acquisition and placement of the AED.

## CHANGES IN THE HEALTH & SAFETY CODE [1797.196](#)

Any person or entity who <b>supplies</b> an AED shall notify an agent of the local Emergency Medical Services (EMS) of the AED existence, location and type.	Any person or entity who <b>acquires</b> an AED shall notify an agent of the local EMS of the AED existence, location and type.
The supplier of an AED shall provide to the acquirer all information governing its use, installation, operation, training and maintenance.	No change.
AEDs are checked for readiness at least every 30 days and after each use according to the manufacturer's guidelines.	AEDs are tested at least biannually and after each use according to the manufacturer's guidelines.  <b>New Requirement:</b> AEDs must be inspected at least every 90 days for potential issues related to operability, including a blinking light or other obvious defects.
	
Keep all maintenance and testing records.	No change.
Comply with all regulations governing the placement of an AED.	No change.
Any person who uses the AED for an emergency must report the use to a licensed physician and the local Emergency Medical Services (EMS) Agency.	Reporting IS NOT required.
CPR and AED training is required for one employee per AED unit up to five AED units.	CPR and AED training IS NOT required.



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## CHANGES IN THE HEALTH & SAFETY CODE [1797.196](#)

PAST	CURRENT
<p>Once a year, building owners must provide tenants with:</p> <ul style="list-style-type: none"> <li>A brochure approved by the American Heart Association or American Red Cross describing the proper use of an AED; and,</li> <li>The AED locations</li> </ul>	<p>Once a year, building owners must:</p> <ul style="list-style-type: none"> <li>Notify tenants of the AED locations and provide information on who to contact if they want AED or CPR training; and,</li> <li>Offer an AED use demonstration to at least one person associated with the building.</li> </ul>
<p>Building owners must post information, similar to the brochure provided to the tenants, next to the AED.</p>	<p>Building owners must post user instructions in no less than 14-point type next to the AED.</p>
<p>The AED must be maintained and annually tested according to:</p> <ul style="list-style-type: none"> <li>The manufacturer guidelines;</li> <li>The American Heart Association and American Red Cross;</li> <li>Applicable rules and regulations of the authority under the Federal Food and Drug Administration; and,</li> <li>Any other applicable state and federal authority.</li> </ul>	<p>The AED must be maintained and annually tested according to:</p> <ul style="list-style-type: none"> <li>The manufacturer operation and maintenance guidelines.</li> </ul> 
<p>Requires a written plan for AED use.</p>	<p>A written plan for AED use IS NOT required.</p>
<p>The principal of a public or private K-12 school shall designate trained employees who are required to respond to an emergency involving an AED.</p>	<p>Trained employees are not required in public or private K-12 schools.</p>
<p>The principal of a public or private K-12 school must annually provide school administrators and staff with:</p> <ul style="list-style-type: none"> <li>The location of all AEDs on campus</li> <li>An American Heart Association or American Red Cross approved brochure showing the proper use of an AED</li> </ul> <p>Similar information must also be posted next to the AED.</p>	<p>The principal of a public or private K-12 school must annually provide school administrators and staff with:</p> <ul style="list-style-type: none"> <li>Information that describes sudden cardiac arrest;</li> <li>The school's emergency response plan;</li> <li>The proper use of an AED; and,</li> <li>The location of all AEDs on campus.</li> </ul> <p>Instructions on how to use the AED must also be posted next to the AED in no less than 14-point type.</p> <p><b>New language:</b> The code does not prohibit a school employee or other person from rendering aid with an AED</p>
<p>Any protection for civil liability does not apply in the case of injury or death due to gross negligence or willful misconduct by the person using the AED</p>	<p>No change</p>
<p>A building owner or building manger is not required to acquire and install an AED in any building.</p>	<p>No change</p>