

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 139 (Montgomery County Delegation)  
Health and Government Operations

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Montgomery County - Law Enforcement Vehicles - Automated External  
Defibrillator  
MC 17-14

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This bill requires a “law enforcement agency’s” patrol vehicle in Montgomery County used by a law enforcement officer who is a “first responder” and trained in the operation and use of an “automated external defibrillator” (AED) to be equipped with an AED. Affected law enforcement agencies include all of the State and local government agencies listed under the Law Enforcement Officers’ Bill of Rights.

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Fiscal Summary

**State Effect:** General fund expenditures increase by *at least* \$1.1 million in FY 2015 to equip State Police and Natural Resources Police (NRP) vehicles with AED units. Nonbudgeted expenditures for the Maryland Transportation Authority (MDTA) increase by \$9,000 in FY 2015. Costs for maintenance and replacement units could accrue in future years. Revenues are not affected.

**Local Effect:** Montgomery County expenditures increase by about \$2.96 million in FY 2015 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 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.

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## 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;
- the Maryland Transportation Authority (MDTA) Police;
- the police forces of the Maryland Department of Transportation;
- the police forces of the Department of Natural Resources (DNR);
- 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; or
- the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services.

**Current Law/Background:** Chapter 167 of 1999 established an AED Program that authorized a facility to make an AED available to victims of sudden cardiac arrest. The program is administered by the Emergency Medical Services (EMS) 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. Fee revenues are distributed to the Maryland Emergency Medical System Operations Fund.

In 2009, HB 829 (failed) would have required that, in Montgomery County, a law enforcement officer who has been issued an “electronic weapon” must also be provided an AED and training in the operation and use of the defibrillator.

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 Maryland Institute for Emergency Medical Services Systems (MIEMSS), a generic AED is available at a cost of \$1,000 to \$1,500. The more rugged “tough book” AED, typically in the back of an ambulance, costs about \$3,000.

The American Heart Association (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 *2012 Uniform Crime Report for Maryland (Crime in Maryland)*, there are a total of 1,525 sworn law enforcement officers in Montgomery County. This includes the sworn personnel of the Montgomery County Police Department (1,121), the Montgomery County Sheriff’s Office (132), the Maryland-National Capital Park Police (72), DSP (40), as well as municipal departments in Chevy Chase Village (10), Gaithersburg (53), Rockville (56), and Takoma Park (41).

**State Expenditures:** General fund expenditures increase by *at least* \$1.1 million in fiscal 2015 to equip State Police and NRP vehicles with AED units. Nonbudgeted expenditures for MDTA increase by \$9,000 in fiscal 2015 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 reports that, in addition to the barracks located in Rockville, troopers on patrol out of the barracks in College Park, Frederick, and Forestville regularly take routes through Montgomery County. 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. The total number of troopers with vehicles on patrol out of the affected barracks is 147, which breaks down as follows:

- Rockville – 33
- College Park – 33

- Frederick – 41
- Forestville – 40

Accordingly, the estimated cost of equipping 147 State Police vehicles with tough book AED units is \$441,000 (147 x \$3,000) in fiscal 2015. The purchase of less expensive AEDs could cut those costs in half. Replacement and maintenance costs are not included in this estimate, but could accrue in future years. Costs could be significantly higher to the extent DSP is required to equip any other vehicles with AED units; DSP reports that as many as 433 of DSP's total of 1,559 troopers might have reason from time to time to be in a "patrol" capacity in Montgomery County.

#### *Department of Natural Resources*

DNR advises that the bill requires the purchase of 212 AED units for NRP vehicles that may patrol in or through Montgomery County. One additional unit is also needed for the one Maryland Park Service officer assigned to Montgomery County. Assuming costs similar to those cited above for DSP, the estimated cost of equipping 213 NRP and park police vehicles with tough book AED units is \$639,000 (213 x \$3,000) in fiscal 2015. The purchase of less expensive AEDs could cut those costs in half. Replacement and maintenance costs are not included in this estimate, but could accrue in future years. The Department of Legislative Services notes that DNR's estimate of the number of AED units that would need to be purchased under the bill appears to reflect equipping nearly the entire NRP force with AED units rather than just those vehicles currently on assignment in Montgomery County. The extent to which that estimate overstates actual equipment needs under the bill cannot be reliably evaluated.

#### *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 \$9,000 for 12 vehicles. This purchase would not be the tough book unit and this initial cost includes delivery charges, supplies, and backup batteries. Replacement and maintenance costs are not included in this estimate, but could accrue in future years.

All Maryland Transit Administration (MTA) police vehicles patrolling in Montgomery County are already equipped with AEDs, and MTA police officers have been trained in their operation.

#### *Other State Agencies*

In addition, the bill applies its AED requirement to any law enforcement vehicle on patrol while in Montgomery County, without regard as to whether the law enforcement agency

responsible for the operation of the vehicle is based in Montgomery 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 would accrue.

**Local Fiscal Effect:** The Montgomery County Police Department (MCPD) reports that there are about 926 officers with county law enforcement vehicles currently doing patrol work in the county. The Montgomery County Sheriff's Office (MCSO) reports that about 60 first responder vehicles are used by sworn deputy sheriffs in the county. The number of other police units in the county, including municipal units, that are operated as patrol units by AED trained law enforcement officers is not readily available. While all Montgomery County fire and rescue vehicles are already equipped with an AED or Cardiac Monitor Defibrillator, there are an additional 10 vehicles assigned to the Fire and Investigations Sections. For purposes of this analysis, it assumed that these investigative vehicles do not perform regular patrol work and are not subject to the bill's AED requirement.

In any case, MCPD advises that all of its law enforcement officers receive AED training and, similarly to DSP, the more rugged tough book units must be purchased at a unit cost of \$3,000 for 926 vehicles, with a total MCPD cost of \$2.78 million. Similar unit costs for MCSO totals \$180,000. Accordingly, additional expenditures for the county attributable to the bill are estimated to total \$2.96 million in fiscal 2015. Purchase of a less expensive AED could cut those costs in half. Replacement and maintenance costs are not included in this estimate, but could accrue in future years.

Expenditures also increase for Gaithersburg, Rockville, and Takoma Park in varying amounts – though per unit AED costs are assumed to be similar. Chevy Chase Village reports that its police vehicles already meet the bill's requirements.

**Additional Comments:** Although the bill refers to and defines a “first responder” as being an individual who is authorized to provide EMS in Maryland under Education Articles 13-516, the term “first responder” is no longer used in that section of law. The term was replaced with “Emergency Medical Responder” several years ago.

In addition, under Maryland law, individuals are not “authorized” to provide EMS under the Education Article. Rather, individuals are licensed or certified by the EMS Board to provide such services. Emergency Medical Responders (EMRs) must meet certain requirements in order to be certified. The Education Article specifically excludes law enforcement from the requirement of licensure/certification under certain circumstances. A law enforcement officer is excluded who (1) has successfully completed a course in first aid and CPR/AED approved by the American Red Cross, the National Safety

Council or other nationally recognized program that either meets the requirements of the National EMS Education Standards and Instructional Guidelines for EMR published by U.S. Department of Transportation or is approved for law enforcement by the State EMS Board; (2) provides services within the scope of that training; and (3) is not dispatched as an EMS provider. Even though law enforcement officers are excluded from licensure/certification requirements, a law enforcement entity that intends to equip its vehicles with AEDs must register with the Maryland Institute for Emergency Medical Services Systems as a Public Access Defibrillator Program.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 308 (Montgomery County Senators) - Education, Health, and Environmental Affairs.

**Information Source(s):** Montgomery County; Chevy Chase Village; Town of Chevy Chase; Department of State Police; Department of Natural Resources; Department of General Services; Maryland Department of Transportation; Department of Public Safety and Correctional Services; Department of Health and Mental Hygiene; Comptroller's Office; Department of Labor, Licensing, and Regulation; University System of Maryland; Legislative Services

**Fiscal Note History:** First Reader - February 10, 2014  
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