

SENATE BILL 299

J1
SB 434/16 – FIN

3lr2149
CF HB 288

By: **Senators Kramer, Feldman, Beidle, Jennings, Zucker, Smith, Klausmeier, Hershey, Guzzone, Lam, Gile, and Hettleman**

Introduced and read first time: January 27, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 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 10,000 SQUARE FEET OF FLOOR SPACE.

13 ~~(A) (B)~~ THIS SECTION DOES NOT APPLY TO A FOOD SERVICE FACILITY
 14 GROCERY STORE OR RESTAURANT THAT HAS AN ANNUAL GROSS INCOME OF
 15 ~~\$400,000~~ \$1,000,000 OR LESS.

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

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

23 (2) MAINTAIN THE FUNCTIONALITY OF THE AUTOMATED EXTERNAL
 24 DEFIBRILLATOR.

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

27 (1) A GROCERY STORE OR RESTAURANT IS NOT CIVILLY LIABLE FOR
 28 ANY ACT OR OMISSION IN THE PROVISION OF AUTOMATED EXTERNAL
 29 DEFIBRILLATION IF THE GROCERY STORE OR RESTAURANT HAS SATISFIED THE
 30 REQUIREMENTS UNDER THIS SECTION;

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

3 **(I) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE**
4 **RENDERING AUTOMATED EXTERNAL DEFIBRILLATION TO ANOTHER INDIVIDUAL**
5 **WHO IS A VICTIM OR REASONABLY BELIEVED BY THE INDIVIDUAL TO BE A VICTIM OF**
6 **A SUDDEN CARDIAC ARREST;**

7 **(II) THE ASSISTANCE OR AID IS PROVIDED IN A REASONABLY**
8 **PRUDENT MANNER; AND**

9 **(III) THE AUTOMATED EXTERNAL DEFIBRILLATION IS PROVIDED**
10 **WITHOUT FEE OR OTHER COMPENSATION; AND**

11 **(3) A GROCERY STORE, RESTAURANT, OR INDIVIDUAL IS NOT CIVILLY**
12 **LIABLE FOR FAILING TO RENDER AUTOMATED EXTERNAL DEFIBRILLATION TO AN**
13 **INDIVIDUAL WHO IS A VICTIM OR IS REASONABLY BELIEVED TO BE A VICTIM OF A**
14 **SUDDEN CARDIAC ARREST.**

15 **(E) THE DEPARTMENT AND THE MARYLAND INSTITUTE FOR**
16 **EMERGENCY MEDICAL SERVICES SYSTEMS JOINTLY SHALL ADOPT REGULATIONS**
17 **THAT:**

18 **(1) ESTABLISH GUIDELINES FOR PERIODIC INSPECTIONS AND**
19 **ANNUAL MAINTENANCE OF THE AUTOMATED EXTERNAL DEFIBRILLATORS; AND**

20 **(2) ASSIST THE OWNER AND OPERATOR OF A ~~FOOD SERVICE FACILITY~~**
21 **GROCERY STORE OR RESTAURANT IN CARRYING OUT THE PROVISIONS OF THIS**
22 **SECTION.**

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

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.