

SENATE BILL 299

Grocery Stores and Restaurants - Automated External Defibrillator Program

April 5, 2023

Dear Health and Government Operations Committee:

As we previously shared, the Restaurant Association of Maryland remains opposed to Senate Bill 299/House Bill 288 which would mandate that certain restaurants have an Automated External Defibrillator (AED) onsite. The relatively low incidence of cardiac arrests at restaurants does not justify an AED mandate on our industry. The related data can be found in the tables on pages 13 and 14 of the 2017 Maryland Institute for Emergency Medical Services Systems (MIEMSS) [report to the General Assembly](#). In lieu of an AED mandate, we supported Senate Bill 624/House Bill 1074 which provides a \$500 nonrefundable State tax credit as an incentive for restaurants to purchase an AED. This tax credit legislation was passed by the House and Senate.

If it is the will of the HGO Committee to move this legislation forward despite industry opposition, we would respectfully request the following amendments to mitigate industry impact and address concerns.

1. Revised exemption language:

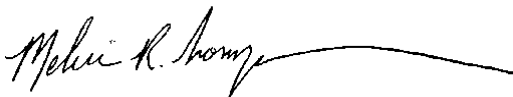
THIS SECTION DOES NOT APPLY TO A RESTAURANT THAT HAS AN ANNUAL GROSS INCOME OF \$1,000,000 OR LESS, EXCLUDING SALES FOR OFF-PREMISES CONSUMPTION, OR AN INDOOR SEATING CAPACITY OF LESS THAN 100.

Rationale: Given the restaurant industry's 4 percent average profit margin, this language is intended to exempt smaller restaurant operators. This amendment also excludes sales for off-premises consumption (i.e., carryout and delivery) from the annual gross income threshold because such sales are irrelevant to the on-premises dining this bill seeks to address. This amendment language also exempts any restaurant with an indoor seating capacity of less than 100, which is a common threshold for larger restaurants. This language specifies indoor seating capacity because some restaurants also have seasonal outdoor seating when weather permits. The gross income or seating criteria are appropriate for this exemption because of the diverse business models within our industry.

2. Given the restaurant industry's high staff turnover, we do not support any related CPR and AED training requirements because of the continuous retraining burden this would place on our industry.
3. We strongly support retaining the civil liability protections specified in Senate-passed SB 299.
4. We would support requiring any restaurants that have AED devices to also register with MIEMSS because of the integration with the 9-1-1- system and related MIEMSS notifications regarding device maintenance and recalls.

Thank you for your consideration of our concerns.

Sincerely,



Melvin R. Thompson
Government Affairs and Public Policy