Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

Part I: Measure Information

Bill Request #: 181	
Bill #: HB 113	
Bill Subject/Title: _	An Act relating to participant safety at publicly used swimming pools.
Sponsor: Rep. Tom Burch	
Unit of Government: Office(s) Impacted:	x Charter County x Consolidated Local x Government Any local government or Department of local government that
Requirement: x	operates a swimming pool Mandatory Optional
Effect on Powers & Duties: x	Modifies Existing x Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 113 requires all operators of pools available to the public place an Automated External Defibrillator (AED) at or nearby the swimming pool.

There has been Kentucky legislation and legislative proposals promoting and regulating the use of AEDs. HB 49 of the 2000 Session (enacted) established guidelines for AED programs and provided for immunity for use of an automated external defibrillator. The Act also required that any person or business that acquires an AED must ensure that the American Heart Association, American Red Cross or other nationally recognized organization train anyone who may use an AED. HB 107 of the 2008 Session (not enacted) pertained to public and private preschools, elementary schools, secondary schools and athletic buildings, athletic rooms, gymnasiums, swimming pools, athletic fields, etc., and requiring that each entity have at least one United States Federal Drug Administration approved AED in each building used by students for learning or athletic-related events. HB 383 of the 2009 Session (enacted) requires high school coaches to be trained in cardiopulmonary resuscitation and in the use of automated external defibrillators. It requires automated external defibrillators be on-site for every high school practice, athletic activity or sporting event.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The impact of HB 113 on local governments is expected to be minimal.

According to the Kentucky League of Cities (KLC) at least 40 cities maintain over 60 swimming pools/aquatic centers open to the public. KLC does not currently know how many or which cities currently provide an AED at their pools. All lifeguards are trained in CPR, but currently may not be trained in AED use. Additionally, other employees on site who are not lifeguards would likely also need AED training.

The proposal states that the pool operator would be required to acquire or relocate an existing AED in the area of the swimming pool. If local governments found it necessary to purchase an AED, rather than relocate one, the cost per unit would be approximately \$1,200. There would also be a yearly maintenance charge (such as replacement of batteries or pads) of approximately \$100 per machine plus regular inspections.

KLC's underwriter believes that placement of AEDs at public swimming pools could increase liability for cities and their employees. This is because HB 113 would add an additional requirement for city employees, thereby increasing the likelihood of mistakes being made. KLC also records a concern regarding AEDs use around swimming pools because both the individual and the area would need to be dry in order to administer a shock from the AED. KLC believes litigation costs could increase in the event an AED was used improperly.

The above analysis by KLC is generally applicable to counties as well. Thus, in summary, at a minimum there would be the cost of an AED unit and its maintenance if the local government has to purchase a unit. There would also be some minimal costs associated with statutorily required training for life guards and pool attendants. Liability and liability insurance could be an added expense.

Data Source(s): Kentucky Board of Emergency Medical Services; American Red Cross; Louisville Metro Government; Aquatics International; KY League of Cities; KY association of Counties.

Preparer: Hank Marks **Reviewer:** MCY **Date:** 1/14/15