

BILL ANALYSIS

H.B. 4171
By: Campos
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Each year, tens of thousands of Texans die from sudden cardiac arrest outside of a hospital. Many of these Texans could be saved by an automated external defibrillator (AED), a portable and easy-to-use device designed to analyze the heart's cardiac rhythm and administer a dose of electricity to victims suffering from sudden cardiac arrest, increasing their chance of survival the sooner it can be applied. In 2021, legislation was passed that established protections for individuals and businesses wanting to install AEDs. Since then, the number of installed AEDs has risen, though most municipalities and counties provide no guidance regarding the types of buildings in which these devices should be installed. Businesses, local fire departments, and emergency medical directors have indicated a desire for a state-driven approach that allows for local policies to be put in place regarding the installation of AEDs. H.B. 4171 seeks to address this issue by authorizing a county or municipality to require AEDs to be installed and maintained in structures to provide adequate emergency preparedness.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4171 amends the Health and Safety Code to authorize a county or municipality, after public notice and hearing, by order or ordinance to require automated external defibrillators to be installed and maintained in structures subject to county or municipal licensure or other regulation to provide adequate emergency preparedness. The bill authorizes the order or ordinance to specify the structures subject to the requirement and the minimum number and position of required automated external defibrillators and to provide exceptions and a variance process to ensure small businesses are not adversely impacted. The bill prohibits the order or ordinance from applying to a licensed health facility or a premises with an occupancy limit of 30 or fewer persons.

H.B. 4171 requires a municipality's governing body or a county commissioners court to consult with the county or municipal fire marshal, the county or municipal fire chief, or other local official with authority over emergency matters to determine whether to require automated external defibrillators under the bill's provisions and the structures subject to the requirement. The bill establishes that a county order adopted under such provisions does not apply to structures within a municipality and the municipality's extraterritorial jurisdiction if the

municipality has adopted an ordinance under such provisions and that a municipal ordinance may apply to structures within the municipality's extraterritorial jurisdiction.

H.B. 4171 authorizes a county or municipality to inspect a structure subject to an order or ordinance adopted under the bill's provisions to ensure compliance with the order or ordinance and prohibits a county or municipality from imposing application or inspection fees related to such an order or ordinance. The bill makes statutory provisions relating to automated external defibrillators applicable to such defibrillators required under an order or ordinance. The bill exempts a county or municipality and county or municipal elected or appointed officials, employees, and agents from liability for the regulation of or failure to regulate automated external defibrillators.

EFFECTIVE DATE

September 1, 2023.