

By: LaMantia

S.B. No. 1304

A BILL TO BE ENTITLED

AN ACT

relating to county and municipal regulation of automated external defibrillators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 122, Health and Safety Code, is amended by adding Section 122.009 to read as follows:

Sec. 122.009. COUNTY AND MUNICIPAL REGULATION OF AUTOMATED EXTERNAL DEFIBRILLATORS. (a) In this section, "automated external defibrillator" has the meaning assigned by Section 779.001.

(b) After public notice and hearing, a county or municipality by order or ordinance may 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 order or ordinance:

(1) may specify the structures subject to the requirement and the minimum number and position of required automated external defibrillators;

(2) may not apply to a health facility licensed under Title 4 or a premises with an occupancy limit of 30 or fewer persons; and

(3) may provide exceptions and a variance process to ensure small businesses are not adversely impacted.

(c) The governing body of a municipality or the commissioners court of a county shall consult with the county or

1 municipal fire marshal, the county or municipal fire chief, or
2 other local official with authority over emergency matters to
3 determine whether to require automated external defibrillators
4 under Subsection (b) and the structures subject to the requirement.

5 (d) A county order adopted under Subsection (b) does not
6 apply to structures within a municipality and the municipality's
7 extraterritorial jurisdiction if the municipality has adopted an
8 ordinance under Subsection (b). A municipal ordinance may apply to
9 structures within the municipality's extraterritorial
10 jurisdiction.

11 (e) A county or municipality:

12 (1) may inspect a structure subject to an order or
13 ordinance adopted under Subsection (b) to ensure compliance with
14 the order or ordinance; and

15 (2) may not impose application or inspection fees
16 related to an order or ordinance adopted under Subsection (b).

17 (f) Chapter 779 applies to automated external
18 defibrillators required under an order or ordinance adopted under
19 Subsection (b).

20 (g) A county or municipality and county or municipal elected
21 or appointed officials, employees, and agents are not liable for
22 the regulation of or failure to regulate automated external
23 defibrillators.

24 SECTION 2. This Act takes effect September 1, 2023.