

BILL ANALYSIS

Senate Research Center
89R3712 LRM-D

S.B. 2262
By: Cook
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

More than 350,000 cardiac arrests occur outside of the hospital each year. Considering this reality, Texas enacted legislation allowing individuals and businesses to install AEDs on their properties. Although the number of AEDs in private and public spaces has risen, 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 implemented regarding the installation of AEDs.

S.B. 2262 would grant express authority to cities and counties with a population of more than 250,000 or adjacent to a county with a population of more than 250,000 to consult with their local fire department or EMS provider to determine whether they should provide directions in their code regarding the types of buildings that should install AEDs. The legislation empowers local governments to consider including AEDs in local codes and prohibits state agencies from passing rules requiring AEDs unless authorized by statute.

Our office is anticipating a committee substitute to clarify that counties may form an advisory council consisting of multiple county authorities to advise commissioners courts on potential county guidance or regulation relating to AEDs.

As proposed, S.B. 2262 amends current law relating to regulation by municipalities and certain counties of and certain prohibited state agency regulation of automated external defibrillators.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 122, Health and Safety Code, by adding Section 122.009, as follows:

Sec. 122.009. REGULATION OF AUTOMATED EXTERNAL DEFIBRILLATORS BY MUNICIPALITIES AND CERTAIN COUNTIES; PROHIBITED STATE AGENCY REGULATION. (a) Defines "automated external defibrillator."

(b) Provides that this section applies only to a county with a population of more than 250,000 or adjacent to a county with a population of more than 250,000 and to each municipality.

(c) Provides that the purpose of this section is to provide certain counties and all municipalities express authority to regulate automated external defibrillators.

(d) Requires the commissioners court of a county and the governing body of a municipality to consult with the county or municipal fire marshal, the county or municipal fire chief, the county or municipal emergency medical services provider, the county or municipal health authority, or other local official with

authority over emergency matters to determine whether to require automated external defibrillators under Subsection (e), the structures or designated public events subject to the requirement, and the minimum number and positioning of required automated external defibrillators by structure type or event.

(e) Authorizes a county or municipality by order or ordinance, after public notice and hearing, to require automated external defibrillators to be installed and maintained in structures or at designated public events subject to county or municipal licensure or other regulation to provide adequate emergency preparedness. Provides that the order or ordinance authorized to specify the structures or events subject to the requirement and the minimum number and positioning of required automated external defibrillators, is authorized to provide exceptions and a variance process, and prohibited from applying to certain facilities.

(f) Provides that a county order adopted under Subsection (e) does not apply to structures or events within a municipality that has adopted an ordinance under Subsection (e).

(g) Authorizes a county or municipality to inspect a structure or event subject to an order or ordinance adopted under Subsection (e) to ensure compliance with the order or ordinance.

(h) Provides that Chapter 779 (Automated External Defibrillators) applies to automated external defibrillators required under an order or ordinance adopted under Subsection (e).

(i) Provides that a county or municipality and county or municipal elected or appointed officials, employees, and agents are not liable for the regulation of or failure to regulate automated external defibrillators.

(j) Prohibits a state agency, unless authorized by statute, from adopting or enforcing a rule that requires the installation of automated external defibrillators in a structure subject to the agency's control.

SECTION 2. Effective date: September 1, 2025.