

RESOLUTION 10-02-2016

DIGEST

Health and Safety: Automated External Defibrillator Units at Public and School Pools
Amends Health and Safety Code section 116045 to require AEDs at public and school pools.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to amend Health and Safety Code section 116045 to read as follows:

- 1 §116045
2 (a) Lifeguard service shall be provided for any public swimming pool that is of wholly
3 artificial construction and for the use of which a direct fee is charged. For all other public
4 swimming pools, lifeguard service shall be provided or signs shall be erected clearly indicating
5 that the service is not provided.
6 (b) “Direct fee,” as used in this section, means a separately stated fee or charge for the
7 use of a public swimming pool to the exclusion of any other service, facility, or amenity.
8 (c) Every public swimming pool required to provide lifeguard service according to (a)
9 shall provide an Automated External Defibrillator (AED) unit. The AED unit is to be readily
10 available during pool operations.
11 (d) Every K-12 school with a swimming pool on site shall provide an Automated
12 External Defibrillator (AED) unit. The AED unit is to be readily available during pool
13 operations.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Bar Association of San Francisco

STATEMENT OF REASONS

The Problem: An AED unit is a device that a layperson can use to treat cardiac arrest. Public swimming pools are required to have proper “lifesaving” equipment, including life rings, rescue poles, a first aid kit, telephone, and equipment for the victim’s head, neck and spine.

Lifeguards are trained to properly rescue victims and attempt to revive them. The lifeguard must be certified by either the American Red Cross or the YMCA. Both organizations have updated their certification requirements to include CPR with AED.

Health & Safety Code § 116045 requires every public swimming pool that charges a “direct fee” to provide “lifeguard service.” By implication, Health & Safety Code § 116045 also set a lower standard of care for K-12 schools with swimming pools – because the schools are not charging a “direct fee.” Some students have drowned during swimming physical education classes at K-12 swimming pools. For example: Cesar Urena, 14 years old, drowned at La Quinta High School in September 2007; and John Erlanson, 17 years old, drowned at Atascadero High School in May

2008. If an AED unit had been available on scene at those schools, then the bystanders could have attempted to save the students' lives.

The Solution: Automated External Defibrillator (AED) units are the best available technology to allow certified lifeguards and lay rescuers to save drowning victims. This resolution would require both public swimming pools that provide "lifeguard service" and K-12 schools with swimming pools on site to provide lifesaving AED units that are accessible to the rescuers.

IMPACT STATEMENT

This proposed resolution does not affect any other law, statute or rule.

CURRENT OR PRIOR RELATED LEGISLATION

22 CCR § 65540. [Public Swimming Pool] Safety and First Aid Equipment (effective Jan. 1, 2015).

SB 658 (2015) (effective Jan. 1, 2016): amended Health & Safety Code § 1797.196 removed the requirement for public-access AED programs to have persons trained in CPR with AED on site.

See AB 2217 (2014) (effective Jan. 1, 2015): added Education Code § 49417, to encourage every K-12 school to implement an AED program.

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RESOLUTIONS COMMITTEE RECOMMENDATION
APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Health and Safety Code section 116045 to require AEDs at public and school pools. This resolution should be approved in principle because making Automated External Defibrillator Units (AEDs) available will help prevent drownings in public pools and pools at K-12 schools, without unduly increasing school costs.

Three student deaths occurred at California K-12 schools between 2007 and 2010. Every K-12 school is required to have a "comprehensive safety plan," and schools are already encouraged to implement an AED program. (Ed. Code, §§ 32282, 49417). Simply requiring that AEDS be readily available at pools while they are used by the public and K-12 children, will not be a substantial burden on schools, or public pools.