

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: SB 556

STATUS: – A Engrossed

SUBJECT: Requires certain places of public assembly to have automated external defibrillator.

GOVERNMENT UNIT AFFECTED: Oregon Military Department, Oregon Department of Transportation, Oregon Parks and Recreation Department, Department of Administrative Services

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DATE: April 21, 2009

2009-2011

2011-2013

EXPENDITURES:

See Analysis

EFFECTIVE DATE: January 1, 2010

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: This measure requires the owner of a place of public assembly to have on the premises at least one automated external defibrillator (AED). The bill defines place of public assembly to be a facility that has 50,000 square feet or more of floor space where the public congregates for purposes such as deliberation, shopping, entertainment, amusement or awaiting transportation; or where business activities are conducted and least 25 individuals congregate on a normal business day.

Passage of this bill would have minimal fiscal impact on state and local government.

State agencies with ownership of places of public assembly as defined by the bill include: Oregon Military Department (OMD), Oregon Department of Transportation (ODOT), Oregon Parks and Recreation Department, and the Department of Administrative Services (DAS). OMD and ODOT both report that each agency has five facilities that would fall under the requirements of this bill. Oregon Parks and Recreation Department believes the Department would have to procure three AEDs for the state fairgrounds if this bill passes. Although no thorough inventory exists, many state agencies located in DAS owned buildings already have AEDs in public settings as a voluntary practice. If this bill passes, the fiscal impact on OMD, ODOT, Oregon Parks and Recreation, and DAS would be minimal. An automated external defibrillator costs between \$1,200 and \$4,000. At present, a model can be purchased through a state vendor at \$1,275 per machine.

Local government ownership of places of public assembly as defined by the bill includes city hall, libraries and venues used for special events. Facilities which currently do not have AEDs in public settings as a voluntary practice, would incur the cost of procuring an automated external defibrillator.

This measure exempts facilities owned by a school district, education service district, private school, public charter school, and facilities primarily used for worship or education associated with worship from the provisions of this bill. The Oregon University System is not exempt from the provisions of this bill. However, the University System reports that it already has AEDs in facilities as defined by this bill.

The bill stipulates that a person may not bring a cause of action against the owner of a place of public assembly who complies with the provisions of this bill for injury, death or loss that results from acts or omissions involving the use, attempted use or nonuse of an automated external defibrillator. This language provides coverage to the owner of the building, but not the employees who might use the AED. Because the exposure to tort liability exists for state employees, the fiscal impact on DAS Risk Management is indeterminate at this time.