

ORDINANCE NUMBER O- 19820 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 16 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 14, ARTICLE 05, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 39, TITLED AUTOMATED EXTERNAL DEFIBRILLATORS, AND BY ADDING SECTIONS 145.3901, 145.3905, 145.3910, 145.3915, 145.3920, 145.3925, 145.3930 AND 145.3935 ALL RELATED TO REQUIREMENTS FOR AUTOMATED EXTERNAL DEFIBRILLATORS IN CERTAIN NEWLY CONSTRUCTED BUILDINGS.

WHEREAS, 465,000 people in the United States die each year from sudden cardiac arrest, also known as ventricular fibrillation; and

WHEREAS, defibrillation or shock using an automated external defibrillator [AED] is the only effective therapy for sudden cardiac arrest; and

WHEREAS, for each minute that passes without cardiopulmonary resuscitation [CPR] and defibrillation, the chance of survival from sudden cardiac arrest *decreases* 7% to 10%; and

WHEREAS, the survival rate from sudden cardiac arrest in places where no CPR and defibrillation program is in place is only about 5%; and

WHEREAS, when AED programs provide immediate CPR and AED shock within the first minute of collapse, the survival rate from cardiac arrest is as high as 74%; and

WHEREAS, requiring AEDs in certain buildings will reduce emergency care response times, increase the chances of survival, and safeguard the lives of persons who experience sudden cardiac arrest; and

WHEREAS, California has enacted a Good Samaritan Law that, subject to certain requirements, may limit the liability of one who renders emergency care via an AED; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 05, of the San Diego Municipal Code is amended by adding a new Division 39, titled "Automated External Defibrillators," and adding new Sections 145.3901, 145.3905, 145.3910, 145.3915, 145.3920, 145.3925, 145.3930, and 145.3935, to read as follows:

**DIVISION 39**

**AUTOMATED EXTERNAL DEFIBRILLATORS**

**§145.3901 Purpose**

The purpose of this Division is to promote public health, safety, and welfare by improving emergency care response times to those suffering from sudden cardiac arrest, thereby improving chances of survival. The requirements of this Division are intended to provide for faster emergency response in large buildings, multi-story buildings, and/or buildings with large numbers of occupants where first responder access may be impeded due to building use, occupancy, location, layout, construction, or other reasons. This Division is not intended to create a new standard of care.

**§145.3905 Definitions**

Except as otherwise provided, for the purposes of this Division:

*Automated External Defibrillator* or *AED* means "Automated External Defibrillator" or "AED" as defined in the California Code of Regulations, Title

22, Division 9, Chapter 1.8., Section 100033, which states “Automated External Defibrillator” or “AED” means an external defibrillator that after user activation is capable of cardiac rhythm analysis and will charge and deliver a shock, either automatically or by user interaction, after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia. *AED* shall also have the same meaning as “Automatic External Defibrillator” pursuant to Health and Safety Code section 1797.196.

**§145.3910 New Construction Requiring AEDs**

- (a) Prior to issuance of a certificate of occupancy or approval of final inspection, *AEDs* shall be placed in all newly constructed buildings in the occupancy groups and with occupant loads in excess of that shown in Table 145-3910. The occupant load shall be determined based on the occupant load factors in the California Building Code. Occupancy groups shall be determined based on Chapter 3 of the California Building Code.
- (b) *AEDs* shall be conspicuously placed and readily accessible in the event of an emergency. *AEDs* shall be mounted such that the top of the *AED* is no more than five (5) feet above floor level.

**Table 145-3910**

<b>Occupancy Group</b>	<b>Occupant Load</b>
Group A "Assembly"	300
Group B "Business"	200
Group E "Educational"	200
Group F "Factory"	200
Group H "High Hazard"	200
Group I "Institutional"	200
Group M "Mercantile"	200
Group R "Residential" <sup>1</sup>	200
Group S "Storage" <sup>2</sup>	200

<sup>1</sup> Excluding single-family and multi-family dwelling units

<sup>2</sup> Excluding parking garages

**§145.3915 Location of AEDs**

- (a) When required pursuant to this Division, *AEDs* shall be located in buildings to optimally achieve a three minute response time to the person in need of emergency care using the *AED*.
- (b) When required on every floor of a building pursuant to section 145.3910 and Table 145-3910, *AEDs* shall be located as follows:

- (1) One *AED* shall be placed at the main entrance of every floor;
  - (2) *AEDs* shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any *AED*, shall not exceed 300 feet; and
  - (3) *AEDs* shall be located on each floor such that the maximum length of travel between any two *AEDs* shall not exceed 600 feet.
- (c) When not required on every floor of a building pursuant to section 145.3910 and Table 145-3910, *AEDs* shall be located as follows:
- (1) One *AED* shall be placed at the main entrance of every floor required to have one or more *AEDs*; and
  - (2) *AEDs* shall be located such that the maximum length of vertical travel between any two *AEDs* on any two floors with an *AED* shall not exceed 450 feet.

**§145.3920 AED Installation, Repair, and Training Requirements**

For all newly constructed buildings that require *AEDs* pursuant to section 145.3910 and Table 145-3910, the building owner or principal (if in a K-12 school) shall ensure annual written certification of the *AED* is provided to the Fire-Rescue Department verifying any *AED* required pursuant to this Division is in good working condition and has received necessary maintenance. The building owner or principal shall also ensure compliance with all requirements under state and federal law relating to *AEDs* and may ensure that the conditions for limits on liability under state law are met. Such requirements and conditions may include, but may not be limited to, the following:

- (a) Registration of the *AED*, at the time it is acquired, with the City of San Diego Fire-Rescue Department including the existence, location, and type of *AED*;
- (b) Written validation and prescription for use of the *AED*(s) is secured by trained individuals from a prescribing physician, which may be arranged through the American Heart Association;
- (c) Training of at least one employee per every *AED* for the first five acquired and one employee for every five more *AED*s acquired thereafter in cardiopulmonary resuscitation and *AED* use that complies with the California Code of Regulations and the American Heart Association or the American Red Cross standards;
- (d) Trained employees made available to respond to an emergency during normal operating hours;
- (e) Installation, maintenance, repair, testing, and readiness checks of each *AED* in accordance with the manufacturer's operation and maintenance guidelines, the American Heart Association, the American Red Cross, the California Code of Regulations, and all other applicable rules and regulations, including but not limited to, all regulations promulgated by the federal Food and Drug Administration;
- (f) Maintenance of records of employee training, installation, maintenance, repair, testing, and checking of the *AED* on the premises for a minimum of one year and readily available upon request by the Fire-Rescue Department, Building Official, or other enforcement designee or agency;

- (g) Upon rendering emergency care using the *AED*, activation of the Fire-Rescue Department emergency 911 system as soon as possible and report of any use of the *AED* to the prescribing physician;
- (h) Tenants annual receipt of an American Heart Association or American Red Cross approved brochure on the proper use of an *AED* also posted next to all *AEDs*, and tenant notification of the location of all *AEDs* in the building;
- (i) School staff and administrators annual receipt of an American Heart Association or American Red Cross approved brochure on the proper use of an *AED* also posted next to all *AEDs*, and notification of the location of all *AEDs* on campus; and
- (j) Development of a written internal emergency response system and plan in coordination with a California licensed physician and surgeon describing the procedures to be followed in the event of an emergency that may involve the use of an *AED*, including but not limited to, immediate notification of the Fire-Rescue Department and trained personnel at the start of *AED* procedures.

**§145.3925 Exemption for AEDs Used Solely for Demonstration Purposes**

Any *AED* used solely for demonstration or training purposes, which is not operational for emergency use, shall be exempt from the provisions of this Division. Any *AED* used solely for demonstration purposes shall be clearly marked on the exterior that it is for "DEMONSTRATION USE ONLY" and is "NOT FOR USE TO RENDER EMERGENCY CARE."

**§145.3930 Immunity and Sunset Provision for AED Requirements**

The provisions of this Division shall remain in effect until the sunset of Health and Safety Code section 1797.196 [Good Samaritan Law], which is currently set to expire January 1, 2013, at which time this Division shall be automatically repealed and removed from the Code. However, if the State Legislature extends or makes permanent the applicability of the Good Samaritan Law, the provisions of this Division shall be extended and remain in effect for as long as State immunity is provided.

**§145.3935 Alternate Materials, Designs and Methods of Construction**

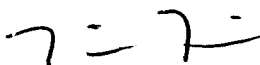
- (a) Alternate materials, designs, or methods of construction to the requirements of this Division may be approved and their use authorized by the Building Official in accordance with section 129.0109.
- (b) The proposed materials, designs, or methods of construction must comply with the purposes of this Division and be, for the use intended, at least the equivalent of that prescribed in this Division in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.
- (c) The Building Official may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of alternate materials, designs, or methods.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.



Section 3. This ordinance shall take effect and be in force on the sixtieth day from and after its final passage, and shall remain in effect until January 1, 2013, unless the sunset date of the Good Samaritan Law (California Health and Safety Code section 1797.196) is extended or made permanent, in which case, the ordinance shall remain in effect as long as the Good Samaritan Law is in effect.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Nina M. Fain  
Deputy City Attorney

NMF:mm  
11/03/08  
11/14/08 COR. COPY  
11/20/08 REV. COPY  
Or.Dept: Rules Committee  
O-2009-28  
MMS#6706

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 2 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/6-08  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor