

Date of Hearing: March 26, 2025

ASSEMBLY COMMITTEE ON UTILITIES AND ENERGY

Cottie Petrie-Norris, Chair

AB 365 (Schiavo) – As Introduced February 3, 2025

SUBJECT: The Justin Kropp Safety Act: Public utilities: AED availability at worksites

SUMMARY: Mandates that all public utilities and independent contractors of utilities have Automated External Defibrillator (AED) devices at all worksites with electrical lines. It also defines liability protections for those who use or do not use the AED devices in the context of an emergency. Finally, it outlines maintenance and reporting requirements for the public utilities and contractors who acquire AED devices.

Specifically, **this bill:**

- 1) Requires each public utility, and independent contractor or subcontractor of the public utility to outfit every worksite with electrical lines with an AED.
- 2) Holds a person who renders emergency care or treatment not liable for civil damages resulting from the use, attempted use, or nonuse of an AED.
- 3) Holds the public utility, and independent contractor or subcontractor of the public utility not liable for civil damages resulting from the use, attempted use, or nonuse of an AED.
- 4) Requires the public utility, and independent contractor or subcontractor of the public utility to do the following:
 - a. Comply with all regulations governing the placement of the AED.
 - b. Maintain and regularly test the AED according to the operation and maintenance guidelines set forth by the manufacturer, the American Heart Association, or the American Red Cross.
 - c. Check the AED for readiness after each use and at least once every 30 days.
 - d. Activate the emergency medical services system as soon as possible once emergency care or treatment to a person in cardiac arrest is rendered with an AED, and report the use of the AED to the local emergency medical services (EMS) agency.
 - e. Create a written plan that describes the procedures to be followed in the event of an emergency that may involve the use of the AED, including immediate notification of the EMS system.

EXISTING LAW:

- 1) Outlines the requirements for a person or entity that acquires an AED for the purpose of emergency care. This includes general notification and maintenance procedures. (Health and Safety Code § 1797.196)
- 2) Provides a person who renders emergency care in good faith immunity from civil liability. (Health and Safety Code § 1799.102)
- 3) Requires new buildings and structures of specific type to install an AED device. (Health and Safety Code § 19300)

- 4) Provides immunity from civil liability for the good faith use of an AED, as long as the personal injury or wrongful death is not resulting from gross negligence or willful or wanton misconduct. (Civil Code § 1714.21)

FISCAL EFFECT: Unknown. This bill is keyed fiscal and will be referred to the Assembly Committee on Appropriations for its review.

CONSUMER COST IMPACTS: This bill adds a new requirement on electrical utilities and their contractors and subcontractors. The cost of complying with such requirements is usually borne by utility ratepayers, leading to increased utility bills. However, the committee would anticipate the cost impacts to consumers of this measure to be minor or negligible.

BACKGROUND:

Risks to Electrical Utility Workers

On January 18, 2018, Justin Kropp was injured working as a lineman in southern California for a subcontractor of Southern California Edison, Herman Weissker Inc. On January 19th, Justin Kropp died at the age of 32 years old as a result of his injuries. Electric power industry workers, or linemen, work in dangerous working conditions with high rates of injury. On average, 19.2 linemen per 100,000 are killed on the job every year nationwide.^{1,2} This is twice the fatality rate of police officers and firefighters. Of the 70,692 occupational fatalities from 2011-2023, 1,940 were a result of contact with electricity, making it one of the leading causes of occupational fatality.³ The main risk to healthy linemen as a result of electrocution is sudden death due to cardiac arrhythmias or irregular heart rhythms.⁴ These arrhythmias can be dangerous and lead to sudden cardiac arrest. Out-of-hospital cardiac arrest results in an 8-10% survival rate.⁵

Automated External Defibrillator Devices

An AED is a medical device designed to analyze the heart rhythm and deliver an electric shock to restore a normal heart rhythm when a person is suffering from arrhythmia or sudden cardiac arrest.⁶ The survival rate of individuals suffering from out-of-hospital cardiac arrest significantly increases to 50-74% when an AED device is available and immediate defibrillation is performed.⁷ The integration of AED devices into standard electric utility safety protocols is now underway. Many electric utility companies already require AED units on all their service trucks

¹ Volberg, Vitaly, et al. "Injuries among electric power industry workers, 1995–2013." *Journal of safety research* 60 (2017): 9-16.

² Herrington, A., & Tacy, J., 2020, July. "Crossing the power line: Using virtual simulation to prepare the first responders of utility linemen." *In Informatics* (Vol. 7, No. 3, p. 26). MDPI.

³ "Workplace Injury & Fatality Statistics," Daniel Majano, Electrical Safety Foundation International. January 23, 2025. <https://www.esfi.org/workplace-safety/workplace-injury-fatality-statistics/>

⁴ Waldmann, Victor, et al. "Electrical cardiac injuries: current concepts and management." *European heart journal* 39.16 (2018): 1459-1465.

⁵ Benjamin, Emelia J., et al. "Heart disease and stroke statistics—2018 update: a report from the American Heart Association." *Circulation* 137.12 (2018): e67-e492.

⁶ "Saving Sudden Cardiac Arrest Victims in the Workplace", Occupational Safety and Health Administration, OSHA 3185-09N 2003

⁷ Elhussain, Mohamed O., et al. "The role of automated external defibrillator use in the out-of-hospital cardiac arrest survival rate and outcome: a systematic review." *Cureus* 15.10 (2023).

and there are many examples of life-saving implementation of these devices in the field.^{8, 9, 10} Southern California Edison reports 1,831 AED devices deployed across its territory with 1,600 AEDs in vehicles and 230 AEDs in other facilities like substations and generation locations.¹¹ The committee is unaware of the status of AED devices across other California utility service territories.

COMMENTS:

- 1) *Author's Statement.* According to the author, "Working around high voltage electrical lines, Journeymen have one of the most dangerous jobs in California. AEDs are lifesaving devices required by law at large venues like stadiums, but they are not currently required at high voltage worksites. Tragically, had an AED been present on Justin Kropp's worksite, he would still be with us today. It is our duty to protect our frontline workers and Assembly bill 365 will do just that."
- 2) *Clarity on the definition of "public utility."* AB 365 identifies "Each public utility, and independent contractor or subcontractor of the public utility" as the responsible party within this legislation. However, the designation of "public utility" is very broad in statute, and not specific to electric utilities. In Public Utility Code § 216,

"Public utility" includes every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof.

As noted above by the author, the goal of the legislation is to protect electrical utility works. Therefore narrowing this legislation to electrical utilities is aligned with the author's stated intent and prudent for implementation. *The committee recommends striking "public utility," and instead using "local publicly owned electric utility and electrical corporation."*

- 3) *Clarity on the definition of "worksite."* AB 365 requires an AED to be available at "every worksite that has transmission or distribution lines of any voltage." This definition of worksite is non-specific, as nearly every worksite in the state has some level of electrical infrastructure. The presence of the infrastructure does not necessarily pose the hazard; rather it is performing work with or near that infrastructure that risks may be elevated. *Therefore the committee recommends language to clarify that the worksite is one where electrical utility workers are present and performing work on the electrical infrastructure.*

⁸ "Jackson EMC Installs AED Devices on Lineman Trucks" October 15, 2024,

<https://news.jacksonemc.com/jackson-emc-installs-aed-devices-on-lineman-trucks>

⁹ "SRP Equips Trucks with AEDs to Save Lives", Matt Collins, March 1, 2013, <https://www.tdworld.com/overhead-transmission/article/20962906/srp-equips-trucks-with-aeds-to-save-lives>

¹⁰ "Ameren Illinois Equips Line Trucks with Life-Saving AEDs", December 5, 2017

<https://www.tdworld.com/electric-utility-operations/article/20970570/ameren-illinois-equips-line-trucks-with-life-saving-aeds>

¹¹ Communication from Southern California Edison, March 14, 2025

- 4) *Inconsistencies with existing AED regulation.* AB 365, as written, has many requirements that differ from California's existing statute regulating AEDs. An example includes the time frame between AED readiness checks, which is required every 30 days in AB 365 versus every 90 days in current statute HSC § 1797.196. This is one of multiple discrepancies between AED provisions outlined in the bill and those in statute. The committee is unaware of any benefit in having different AED standards apply to electric utilities relative to other California businesses and public spaces. *The committee recommends aligning this bill with preexisting California statute by striking conflicting paragraphs, and making reference to Health and Safety Code § 1797.196 and Civil Code § 1714.21 where appropriate.*
- 5) *Double Referral.* This bill is double-referred. Should it pass out of this committee, it will next be considered in the Assembly Committee on Judiciary.
- 6) *Related legislation*

AB 310 (Alanis, 2025) Adds certification requirements for coaches within youth sports organizations to the Nevaeh Youth Sports Safety Act, which will require, beginning January 1, 2027, youth sports organizations to provide their athletes with access to an automated external defibrillator (AED) during any official practice or match. Status: Assembly Floor – Third Reading, after passage in the Assembly Committee on Arts, Entertainment, Sports and Tourism 9-0.

- 7) *Prior legislation:*

AB 3262 (Maienschein) required schools serving students in grades 6 to 12 to implement specific processes at the time of AED placement. The principal must ensure that students annually receive information that describes the school's emergency response plan and the proper use of an AED, and notify students of the locations of all AED units on campus. Status: Chapter 19, Statutes of 2024.

SB 502 (Portantino) amends the Public Utilities Code to require all operators of commuter rail systems, by July 1, 2020, to ensure that each train be equipped with an Automated External Defibrillator. Status: Chapter 602, Statutes of 2018.

SB 1397 (Hill) required an AED to be installed in high-occupancy structures that are built or undergo modifications, renovations, or tenant improvements amounting to at least \$100,000. Status: Chapter 1014, Statutes of 2018.

SB 658 (Hill) revised the maintenance and training requirements for placement of AEDs in commercial buildings and K-12 schools that are conditions for obtaining qualified immunity from civil liability for the selection, installation, placement, and use of AEDs in those facilities Status: Chapter 264, Statutes of 2015.

AB 939 (Melendez, 2013) provided qualified immunity for a school district and its employees who use, attempt to use, or do not use an AED to render emergency care. It also

permitted schools to solicit and receive nonstate funds for the purpose of acquiring an AED. Status: AB 939 was held on the Senate Appropriations Committee suspense file.

SB 1436 (Lowenthal) removed the sunset date, thereby making permanent, the existing protections that provide immunity from civil damages in connection with the use of AEDs. Status: Chapter 71, Statutes of 2012.

SB 63 (Price, 2011) required that all public high schools acquire and maintain an AED, or to continue to use and maintain an existing AED, comply with specified requirements. Status: SB 63 was held in the Senate Appropriations Committee.

SB 1281 (Padilla, 2010) made the civil immunity protection unconditional for persons or entities that acquire an AED. It eliminated all requirements relating to the acquisition of AEDs. Status: SB 1281 failed passage in Senate Judiciary Committee.

SB 127 (Calderon) removed the July 1, 2012 sunset date for existing requirements that every health studio acquires and maintains an AED and trains personnel in its use thereby extending. Status: Chapter 500, Statutes of 2010.

AB 1312 (Swanson, 2009) made the current requirements for health studios to purchase, maintain, and train staff in the use of AEDs applicable to amusement parks and golf courses. This bill also proposed to extend the sunset date on this requirement from July 1, 2012 to July 1, 2014. Status: AB 1312 was vetoed by the Governor.

AB 2083 (Vargas), extended the sunset date from 2008 to 2013 on the operative provisions of existing law which provide immunity from civil damages for persons or entities that acquire AEDs and comply with maintenance, testing, and training requirements. Status: Chapter 85, Statutes of 2006.

AB 1507 (Pavley) required all health studios in the state to have automatic external defibrillators (AEDs) available with properly trained personnel until July 1, 2012. Status: Chapter 431, Statutes of 2005.

AB 254 (Nakanishi) required the principal of a public or private K-12 school to meet certain requirements in order to be exempt from liability for civil damages associated with the use of an AED. Status: Chapter 111, Statutes of 2005.

AB 1145 (Horton) designated federal funds for the purchase of AEDs for state buildings and mandated a number of regulations in the placement and use of AEDs according to standards outlined by the American Heart Association, the American Red Cross and the Emergency Medical Services Authority. Status: Chapter 5, Statutes of 2004.

AB 2041 (Vargas) expanded the immunity protections for the use or purchase of an AED, and included a sunset date of 2008. Status: Chapter 718, Statutes of 2002.

SB 911 (Figueroa) created qualified immunity from civil liability for trained persons who use in good faith and without compensation an AED in rendering emergency care or treatment at the scene of an emergency. Status: Chapter 163, Statutes of 1999.

REGISTERED SUPPORT / OPPOSITION:

Support

Coalition of California Utility Employees
California State Association of Electrical Workers
Consumer Attorneys of California
Global Medical Response

Opposition

None on file.

Analysis Prepared by: Kristen Koenig / U. & E. / (916) 319-2083