

**DATE:** May 9, 2003

**TO:** All Interested Parties

**FROM:** Richard E. Watson  
Interim Director (California EMSA)

**SUBJECT:** Automated External Defibrillator Regulatory Information

The EMS Authority has received inquiries regarding the inconsistencies between the Layperson AED Regulation (effective February 2003) and the recently enacted language of Assembly Bill (AB) 2041 (Vargas), Chapter 718, Statutes of 2002. The following is a brief explanation of the differences.

AB 2041 was initially introduced as a spot bill after the EMS Authority was well into the revision of the Layperson AED Regulations. AB 2041 was amended and eventually signed by the Governor as the Layperson AED Regulation revision was nearing the deadline for completion. Because there were significant improvements to the proposed Layperson AED Regulations, which have not been revised since their inception in 1991, the decision was made to complete the Layperson AED Regulations as proposed. This decision was made because if the EMS Authority made the changes reflected in AB 2041 the rulemaking process may have been jeopardized resulting in the EMS Authority having to start the rulemaking process over.

The major inconsistencies between the current Statutory Law and the Regulatory Law are:

1. The current Statute **no longer** requires a physician to authorize each individual to use the AED. The newly revised Layperson AED Regulations do require a physician's authorization to use the AED based on the previous statutory language, and
2. The current Statute establishes minimum numbers of trained personnel in relation to the number of AEDs acquired, whereas the newly revised AED regulations require all AED users to be trained in the use of the AED.

In cases where there are inconsistencies between statutory law and regulatory law, the statute takes precedence over regulation.

The EMS Authority is aware of the inconsistencies between these two bodies of law and intends to revise the Layperson AED Regulations when staff workloads permit. If you have questions, please contact Michael Conley at the EMS Authority (916) 322-4336.