
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**

**Senator Josh Becker, Chair
2025 - 2026 Regular**

Bill No:	AB 365	Hearing Date:	6/17/2025
Author:	Schiavo		
Version:	4/2/2025 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Nidia Bautista		

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

DIGEST: This bill requires electric utilities, and their contractors and subcontractors, to have an automated external defibrillator (AED) available for emergency use at each worksite where utility workers are performing work on electrical transmission and distribution lines.

ANALYSIS:

Existing law:

- 1) Establishes and vests the California Public Utilities Commission (CPUC) with regulatory authority over public utilities, including electrical corporations. Authorizes the CPUC to establish rules for all public utilities, subject to control by the Legislature. (Article XII of the California Constitution)
- 2) Authorizes the CPUC, under the Public Utilities Act, after a hearing, to require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and authorizes the CPUC to prescribe the installation, use, maintenance, and operation of appropriate safety or other devices or appliances. (Public Utilities Code §768)
- 3) Establishes the Occupational Safety and Health Standards Board, within the Department of Industrial Relations (DIR), and authorizes, by an affirmative vote of at least four members, to adopt, amend or repeal occupational safety and health standards and orders. Provides that the Division of Occupational Safety and Health (Cal/OSHA) to be the only agency in the state authorized to adopt occupational safety and health standards. (Labor Code §§140 and 142.3)

- 4) Requires every employer to furnish and use safety devices and safeguards, and to adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe and healthful. Every employer shall do every other thing reasonably necessary to protect the life, safety, and health of employees. (Labor Code §6401)
- 5) Requires every employer to establish, implement, and maintain an effective injury prevention program. (Labor Code §6401.7)
- 6) Requires a person or entity that acquires an AED to comply with all regulations governing the placement of an AED, notify an agent of the local emergency medical service agency of the existence, location, and type of AED acquired, ensure the AED is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer, ensure that the AED is tested at least biannually and after each use, ensure that a specified inspection is made of all AEDs on the premises at least every 90 days, and ensure that records of this maintenance and testing are maintained. (Health and Safety Code §1797.196)
- 7) Authorizes each county to develop an emergency medical services program, and requires such a program to designate a local emergency medical services agency. (Health and Safety Code §1797.20 *et seq.*)
- 8) Provides immunity from civil liability to any person who renders emergency care in good faith. (Health and Safety Code §1799.102)
- 9) Requires new buildings and structures of specific type to install an AED device. (Health and Safety Code §19300)
- 10) Provides that any person who, in good faith and not for compensation, renders emergency care or treatment of cardiopulmonary resuscitation (CPR), if completed a training course on CPR, or by the use of an AED at the scene of an emergency is not liable for any civil damages resulting from any acts or omissions in rendering the emergency care, except in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment of CPR or by the use of an AED. (Civil Code §§1714.2 and 1714.21)

This bill:

- 1) Establishes the Justin Kropp Safety Act, and requires a local electric publicly owned utility (POU) and electrical corporation, and an independent contractor or subcontractor of the utility, to have an AED available at every worksite

where electrical utility workers are performing work on transmission or distribution lines of any voltage.

- 2) Requires the utility, and the independent contractor or subcontractor of the utility, to adopt written policies and procedures, that conform to Labor Code requirements, and to comply with the placement, notification, maintenance, testing, and recordkeeping requirements
- 3) Provides that the same exemption from civil liability that applies to a person who renders emergency care and treatment to a local electric POU and electrical corporation, and an independent contractor or subcontractor of the utility, that acquires an AED for emergency use and that complies with these requirements except in case of gross negligence or willful or wanton misconduct by the person rendering emergency care or treatment by the use of an AED.
- 4) Requires a local electric POU and electrical corporation, and an independent contractor or subcontractor of the utility, to ensure that specified procedures are followed.

Background

Electric infrastructure worksite safety. Employees who perform work on electrical infrastructure, including distribution and transmission lines, face many risks that can result in serious injury and death. These risks include falling from high locations (for example from utility poles and transmission towers); burns from arcs or fires; being struck by, or caught between, objects; in addition to the risk of electric shock or electrocution. As a result, there are many workplace safety requirements for electrical infrastructure facilities, many of which are under the Occupational Safety and Health Administration (OSHA) under the U.S. Department of Labor at the federal level and at the state level at the DIR within the California Labor and Workforce Agency via the Division of Occupational Safety and Health (better known as Cal/OSHA). These worksite safety requirements are in addition to any requirements by the CPUC or other regulatory agencies of regulated public utilities, electric generating assets, and other entities. At both the federal and state level, there are occupational safety regulations that apply to electric power generation, transmission, and distribution worksites, including line-clearance, to address specific workplace hazards for these sites including during construction, operations, and maintenance of these sites. As such, these regulations apply to electric utilities, but also firms that own power generation, and of contractors of these entities, including regulations concerning construction and line-clearance activities of these facilities. In adopting workplace safety

requirements, the agencies are generally required to consider the effectiveness of the preventative measure to substantially reduce a significant risk, the cost-effectiveness and feasibility to implement the measure, consistency with prior agency actions, and whether the measure is supported by substantial evidence, among other considerations.

In general, state occupational safety regulations must be as effective and protective as federal standards. These occupational safety requirements include regulations concerning protective equipment, signage, handling exposed electrical infrastructure, along with first aid and medical services, including in relation to training and availability of trained employees for cardiopulmonary resuscitation (CPR) when work is being performed on equipment that is energized at 50 volts or more. The number of trained employees that must be available varies depending on the number of employees, the type of work site or location, and the type of work being performed. Employers must also provide, maintain, and inspect first aid kits and supplies. These CPR and first aid requirements are largely (if not exactly) consistent with the federal OSHA regulations found in 29 Code of Federal Regulations Parts 1910 and 1926.

About AEDs. AEDs are used to help individuals experiencing sudden cardiac arrest. AEDs are light-weight, portable, easy-to-use, medical devices that can analyze the heart's rhythm and deliver an electrical shock, or defibrillation, to help the heart re-establish an effective rhythm. AEDs require at least one individual to administer and operate the AED on the individual who is experiencing cardiac arrest (AEDs are not intended to be self-administered). AEDs have a built-in computer which assesses the patient's heart rhythm, determines whether the person is in cardiac arrest, and signals whether to administer the shock. Audible cues guide the user through the process. According to the American Heart Association, for every minute that passes without CPR and defibrillation, the chance of survival decreases by 7-10%. As a result, quick action is needed to prevent death from sudden cardiac arrest.

Washington State law. In 2023, the state of Washington adopted legislation, House Bill 1542 (Bronoske, *et al*, Chapter 253), which requires, by January 1, 2025, any employer with employees who operate, maintain, or construct high voltage lines and equipment or who conduct line clearance tree trimming in close proximity to high voltage lines and equipment to make an AED available and accessible to employees when work is being performed on, or in close proximity to, high voltage lines and equipment by two or more employees. Subsequently, the Washington State Department of Labor and Industries filed an expedited regulation in September 2024 (WSR 24-18-111) to incorporate the AED requirements of the legislation into the occupational safety regulations. These were largely included

within regulations concerning medical services and first aid for Washington State that are similar to those medical services and first aid requirements, as noted above, included in the federal and California regulations for electrical work performed in proximity to electrical infrastructure, except the Washington AED regulations are required for high-voltage electrical lines of 601 volts or more.

Comments

Need for bill. The proponents and author of this bill contend the need to require AEDs where work is being performed at distribution and transmission lines. They cite the Washington State law as a model for this bill. This bill is named after Justin Kropp, a journeyman lineman who sustained injuries from electrocution that resulted in his death in January 2018 while working for Herman Weissker Incorporated, a firm on contract with Southern California Edison, to work on the Kramer-Coolwater 115 kilovolts (kV) circuit near the intersection of Highways 395 and 58 at Kramer Junction in San Bernardino County. The supporters state that AEDs can be helpful to prevent deaths from sudden cardiac arrest at these worksites, particularly when these employees are injured from electric shock or other workplace hazards.

Federal government declined to require AEDs. In 2014, the U.S. Department of Labor's OSHA updated various regulations in relation to the electric power generation, transmission, and distribution worksites. As part of the rule update, OSHA considered and sought comments on whether to require AEDs at these worksites. OSHA stated AEDs could be beneficial at worksites where line clearing was being performed. However, OSHA declined to require AEDs in the final rule due to insufficient evidence in the record that AEDs would perform when exposed to environmental extremes typical of electrical line field work, including concerns that the interior of trucks would be significantly hotter than the 50-degree Celsius recommended maximum for operating ranges of the AED. However, OSHA did encourage employers to purchase and deploy AEDs in areas where they could be useful and efficacious and further stated that the action would save lives and provide OSHA with "useful information on the use of AEDs under a wide range of conditions."

Need for consistency with existing regulations. Unlike the federal and state regulations for CPR, and the Washington State law for AEDs, this bill does not propose a regulation but instead would require AEDs by statute. A regulation could better account for the many nuances that are needed for requiring AEDs, as they also require training, testing, and maintenance. As an example, OSHA regulations apply to all worksites regardless of the owner of the firm, therefore, not exclusively on electric utilities or their contractors. However, this bill only applies to most

electric utilities in the state – both investor-owned and publicly owned – and their contractors and subcontractors, but does not include electrical cooperatives or owners of power generation, and other firms that might be contracted by these entities, for which the existing OSHA workplace safety regulations also apply. Additionally, this bill does not account for some of the nuances addressed in existing regulations such as the number of employees at the worksite or a minimum voltage threshold, nor does it consider distinctions between field and fixed worksite locations, or new employees under training. As noted above, AEDs can not be self-administered, therefore it would seem to be reasonable to ensure AEDs are deployed when at least two employees are at the worksite. With regards to voltage, the federal and state CPR requirements are for electric work near 50 volts or more. The Washington State law for AEDs is for high voltage worksites (601 or more volts). However, this bill does not require any minimum voltage threshold for the AED requirement.

Risks to utility ratepayers. This bill would require AEDs, known life-saving devices, to better protect employees who are exposed to many life-threatening hazards. This bill includes language to protect persons administering the required AEDs from civil liability, often referred to as “good Samaritan” provisions, and consistent with other bills requiring AEDs. However, this bill could raise additional civil liability on electric utilities if they or their contractors and subcontractors are not providing the required AEDs, perhaps including if the AEDs are not performing when needed. These issues merit further consideration of the liability provisions and the risks that such requirements could have to utilities and the potential subsequent costs to their customers. This bill is double-referred to the Senate Judiciary Committee who can help address these and related concerns.

Need for amendments. To better account for the nuances necessary to appropriately require AEDs at worksites where work is being performed on electrical infrastructure, *the author and committee may wish to recast this bill to require the Cal/OSHA to incorporate requirements for AEDs at worksites where electrical work is performed with consideration for a voltage threshold, the need to ensure at least two employees are on site, and to ensure consistency with federal and state occupational safety regulations.*

Dual Referral. Should this bill be approved by this committee, it will be re-referred to the Senate Judiciary Committee.

Prior/Related Legislation

SB 502 (Portantino, Chapter 602, Statutes of 2018) required all operators of commuter rail systems, by July 1, 2020, to ensure that each train be equipped with an Automated External Defibrillator.

SB 1397 (Hill, Chapter 1014, Statutes of 2018) 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.

SB 658 (Hill, Chapter 264, Statutes of 2015) 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.

SB 287 (Hueso, Chapter 449, Statutes of 2015) required certain buildings with capacities of 200 persons or greater, as specified, constructed on or after January 1, 2017, to have an AED on the premises.

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

AB 2083 (Vargas, Chapter 85, Statutes of 2006) 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.

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

SB 911 (Figueroa, Chapter 163, Statutes of 1999) 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT:

American Medical Response
California Chapter of the American College of Cardiology
California Emergency Nurses Association
California State Association of Electrical Workers
Coalition of California Utility Employees
Consumer Attorneys of California
Everyday Responder Project

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: The Coalition of California Utility Employees and the California State Association of Electrical Workers state:

Electrical lineworkers and utility employees perform inherently dangerous tasks, often in remote or high-risk environments. Sudden cardiac arrest can be a tragic consequence of electrical exposure, strenuous activity, or unforeseen medical emergencies. The presence of an AED at these worksites can mean the difference between life and death. By ensuring that public utilities and their contractors comply with established safety standards and protocols for AED accessibility, this bill will provide essential protections for workers and the public alike.

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