



Oct 23, 2024

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New Defibrillator Placement and Training Requirements for Public Recreational Facilities

Governor Mike DeWine signed House Bill 47 into law July 23, 2024. The new law establishes automated external defibrillator (AED) requirements for municipalities, counties, and townships with over 5,000 residents as well as public and chartered nonpublic schools. The new law will go into effect October 24, 2024, and will be codified as R.C. 755.13(D) and (E).

The Ohio General Assembly did not include funding for municipalities to purchase AEDs in HB 47. Therefore, compliance costs could have a significant financial impact on municipalities. Additionally, there are several statutory ambiguities regarding where AEDs need to be placed, how many AEDs are needed at each location, and staff training requirements that could alter the financial impact.

Placement of AEDs

In the context of local governments, the new law requires the placement of an AED in each sports and recreation location under the authority's control. "Sports and recreation location" is defined under HB 47 as indoor recreation centers and facilities, gymnasiums, swimming pools, and playing fields.

The new law does not specify the number of AEDs needed at a location. However, the plain language of the statute only requires "an [AED]," which can be interpreted to mean one AED at each location. Additionally, the new law does not specify *where* an AED must be placed at each location. HB 47 requires the AED to be placed "**in** each sports and recreation location." Municipalities likely satisfy the requirement by placing the AED in a prominent and obvious place at each required sports and recreation location.

Training and Action Plan

House Bill 47 institutes two primary training requirements for municipalities that control a sports and recreation location where an AED is required: first, the law requires “a sufficient number of the staff persons” at each location to “complete an appropriate training course” on how to use the AED. This provision does not appear to require the municipality to hire staff for each location if it does not employ them already. However, if the municipality has staff dedicated to each location, it must train a sufficient number of staff on how and when to use the AED.

Second, the law requires applicable municipalities to adopt an “emergency action plan” for using the AED. The law indicates that a municipality’s plan can be the model plan developed by the Ohio Department of Health, which is now available at the Ohio Department of Health’s webpage, [Model AED Emergency Action Plan](#).

What the New Law Means for Local Government Entities and How to Avoid Risk

Every municipality with a population of 5,000 or more should assess the recreational facilities under its control to determine whether each location is an indoor recreation center or facility, gymnasium, swimming pool, or playing field. For each location that satisfies the definition of “sports and recreation location” above, the municipality must (1) install an AED in a prominent and centralized area; (2) provide appropriate AED training for a sufficient number of staff at each sports and recreation location; and (3) adopt an emergency action plan for the use of the AED.

The specific requirements for each municipality will likely require a case-by-case determination. For more information on how to comply with HB 47, please contact the authors or any attorney with Frost Brown Todd’s [Government Services Practice Group](#).

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