



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-175.1

Summary

Repeal of ARM 37.104.601, 37.104.604, 37.104.605, 37.104.606, 37.104.610, 37.104.615, and 37.104.616 pertaining to automated external defibrillators

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is determined to be 145 persons based on approximately 1,450 entities being registered to use AEDs in Montana.

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, November 21, 2025, at 5:00 p.m.

Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rulemaking Actions

REPEAL

The rules proposed to be repealed are as follows:

37.104.601 DEFINITIONS

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-501, MCA

37.104.604 WRITTEN PLAN

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-501, 50-6-503, MCA

37.104.605 WRITTEN NOTICE

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-502, 50-6-503, MCA

37.104.606 REPORTS

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-502, 50-6-503, MCA

37.104.610 TRAINING

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-502, 50-6-503, MCA

37.104.615 MEDICAL PROTOCOL

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-502, MCA

37.104.616 REQUIREMENTS OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-503, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing repeal of the administrative rules governing Automatic External Defibrillators (AEDs). The proposed repeal of these rules is necessary to implement Senate Bill (SB) 86, which was passed and enacted into law as part of Montana's 2025 legislative session. SB 86 generally revised and updated laws governing AEDs. These statutory changes included the repeal of a grant of rulemaking authority under 50-6-503, MCA, that authorized the department to promulgate administrative rules regulating AEDs. The elimination of this grant of rulemaking authority requires repeal of the AED administrative rules since there is no longer statutory authority for the rules.

Small Business Impact

Pursuant to 2-4-111, MCA, the class of small businesses affected by the proposed repeal of the rules are those small businesses utilizing AEDs. The probable significant and direct effects of the proposed repeal of the AED rules on these small businesses is that they will be able to continue to use AEDs without being subject to unnecessary regulatory requirements.

Bill Sponsor Notification

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor of SB 86 was notified by electronic mail on June 30, 2025.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be emailed, mailed or otherwise delivered to the contact person above.

Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services