



House of Representatives

General Assembly

File No. 335

January Session, 2007

Substitute House Bill No. 7201

House of Representatives, April 4, 2007

The Committee on General Law reported through REP. STONE of the 9th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATORS IN HEALTH CLUBS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-223 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2008*):

3 (a) Each individual place of business of each health club shall obtain
4 a license from the Department of Consumer Protection prior to the sale
5 of any health club contract. Application for such license shall be made
6 on forms provided by the Commissioner of Consumer Protection and
7 said commissioner shall require as a condition to the issuance and
8 renewal of any license obtained under this chapter (1) that the
9 applicant provide for and maintain on the premises of the health club
10 sanitary facilities; (2) that the applicant (A) provide and maintain in a
11 central location on the premises of the health club, which location shall
12 be made known and available to employees who are present at such
13 club, at least one automatic external defibrillator, as defined in section
14 19a-175, and (B) ensure that at least one employee is on-site during

15 staffed business hours who is trained in cardiopulmonary resuscitation
16 and the use of automatic external defibrillators in accordance with
17 standards set forth by the American Red Cross or American Heart
18 Association; (3) that the application be accompanied by (A) a license or
19 renewal fee of two hundred dollars, (B) a list of the equipment and
20 each service [which] that the applicant intends to have available for
21 use by buyers during the year of operations following licensure or
22 renewal, and (C) two copies of each health club contract [which] that
23 the applicant is currently using or intends to use; and [(3)] (4)
24 compliance with the requirements of [section] sections 19a-197 and
25 21a-226. Such licenses shall be renewed annually. The commissioner
26 may impose a civil penalty of not more than three hundred dollars
27 against any health club that continues to sell or offer for sale health
28 club contracts for any location but fails to submit a license renewal and
29 license renewal fee for such location not later than thirty days after
30 such license's expiration date.

31 (b) No health club shall (1) engage in any act or practice [which] that
32 is in violation of or contrary to the provisions of this chapter or any
33 regulation adopted to carry out the provisions of this chapter,
34 including the use of contracts [which] that do not conform to the
35 requirements of this chapter, or (2) engage in conduct of a character
36 likely to mislead, deceive or defraud the buyer, the public or the
37 commissioner. The Commissioner of Consumer Protection may refuse
38 to grant or renew a license to, or may suspend or revoke the license of,
39 any health club [which] that engages in any conduct prohibited by this
40 chapter.

41 (c) If the commissioner refuses to grant or renew a license of any
42 health club, the commissioner shall notify the applicant or licensee of
43 the refusal, and of [his] the right to request a hearing [within] not later
44 than ten days [from] after the date of receipt of the notice of refusal. If
45 the applicant or licensee requests a hearing within [ten days] such ten-
46 day period, the commissioner shall give notice of the grounds for [his]
47 the commissioner's refusal to grant or renew such license and shall
48 conduct a hearing concerning such refusal in accordance with the

49 provisions of chapter 54 concerning contested matters.

50 (d) The Attorney General at the request of the Commissioner of
51 Consumer Protection [is authorized to] may apply in the name of the
52 state of Connecticut to the Superior Court for an order temporarily or
53 permanently restraining and enjoining any health club from operating
54 in violation of any provision of this chapter.

55 Sec. 2. Subsection (a) of section 52-557b of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective July*
57 *1, 2007*):

58 (a) A person licensed to practice medicine and surgery under the
59 provisions of chapter 370 or dentistry under the provisions of section
60 20-106 or members of the same professions licensed to practice in any
61 other state of the United States, a person licensed as a registered nurse
62 under section 20-93 or 20-94 or certified as a licensed practical nurse
63 under section 20-96 or 20-97, a medical technician or any person
64 operating a cardiopulmonary resuscitator or an automatic external
65 defibrillator, or a person trained in cardiopulmonary resuscitation or
66 in the use of an automatic external defibrillator in accordance with the
67 standards set forth by the American Red Cross or American Heart
68 Association, who, voluntarily and gratuitously and other than in the
69 ordinary course of such person's employment or practice, renders
70 emergency medical or professional assistance to a person in need
71 thereof, or an entity or person purchasing, making available or using
72 an automatic external defibrillator pursuant to section 21a-223, as
73 amended by this act, shall not be liable to such person assisted for civil
74 damages for any personal injuries which result from acts or omissions
75 by such person in rendering the emergency care, which may constitute
76 ordinary negligence. The immunity provided in this subsection does
77 not apply to acts or omissions constituting gross, wilful or wanton
78 negligence. Nothing in this subsection shall be construed to exempt
79 paid or volunteer firefighters, police officers or emergency medical
80 services personnel from completing training in cardiopulmonary
81 resuscitation or in the use of an automatic external defibrillator in

82 accordance with the standard set forth by the American Red Cross or
83 American Heart Association. For the purposes of this subsection,
84 "automatic external defibrillator" means a device that: (1) Is used to
85 administer an electric shock through the chest wall to the heart; (2)
86 contains internal decision-making electronics, microcomputers or
87 special software that allows it to interpret physiologic signals, make
88 medical diagnosis and, if necessary, apply therapy; (3) guides the user
89 through the process of using the device by audible or visual prompts;
90 and (4) does not require the user to employ any discretion or judgment
91 in its use.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2008</i>	21a-223
Sec. 2	<i>July 1, 2007</i>	52-557b(a)

GL *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill requires a licensed health club to keep at least one defibrillator on its premises and at least one employee trained in its use, for which there is no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 7201*****AN ACT REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATORS
IN HEALTH CLUBS.*****SUMMARY:**

This bill requires a licensed health club, as a condition of its license, to (1) keep at least one automatic external defibrillator (AED) on its premises in a central location and (2) ensure that at least one employee is on-site during staffed business hours who is trained in cardiopulmonary resuscitation and the use of AEDs in accordance with American Red Cross or American Heart Association standards. The AED's location must be made known and available to health club employees. The law defines an AED as a device that (1) delivers a charge through the chest wall to the heart; (2) contains internal "decision-making" components to interpret physiological signs, make medical diagnoses, and if necessary deliver a charge; (3) guides the user through the process by audible or visual prompts; and (4) does not require any discretion or judgment in its use.

The bill requires the commissioner of the Department of Consumer Protection (DCP) to require clubs, as a condition of licensure, to comply with the law requiring everyone having an AED to inform the Office of Emergency Medical Services of its location.

The bill extends civil immunity from liability to any person or entity that purchases, makes available, or uses an AED in accordance with the bill's provisions. It specifies that the person providing assistance is not liable for civil damages for acts or omissions in providing the emergency care that might constitute ordinary negligence. The immunity does not apply to acts or omissions constituting gross, willful, or wanton negligence. Existing law (1) provides such liability protection to a person trained in the use of an AED according to

standards of the American Heart Association or American Red Cross who voluntarily, gratuitously, not in the ordinary course of employment or practice, provides emergency medical or professional assistance and (2) specifies that it should not be construed as exempting paid or volunteer firefighters, police officers, or EMS personnel from completing training in cardiopulmonary resuscitation or in the use of an AED according to the standards of the Red Cross or Heart Association.

EFFECTIVE DATE: January 1, 2008, except for the immunity provision, which is effective on July 1, 2007.

BACKGROUND

Health Club Licensing

The law requires each health club location to obtain a license from DCP. The commissioner may, after notice and an opportunity for a hearing, refuse to grant or renew, suspend, or revoke the license of a club that engages in conduct prohibited by the health club licensing law.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 1 (03/14/2007)