



General Assembly

Substitute Bill No. 1339

January Session, 2007

* _____SB01339PH_JUD032307_____*

AN ACT CONCERNING AUTOMATIC EXTERNAL DEFIBRILLATORS.

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 Section 21a-223 of the general statutes is repealed and the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 July 1, 2007*):

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 is
12 made known and available to employees who are present at such club,
13 at least one automatic external defibrillator, as defined in section 19a-
14 175, and (B) make reasonable efforts to ensure that at least one
15 employee is on-site during staffed business hours who is trained in
16 cardiopulmonary resuscitation and the use of automatic external
17 defibrillators in accordance with standards set forth by the American
18 Red Cross or American Heart Association; (3) that the application be
19 accompanied by (A) a license or renewal fee of two hundred dollars,
20 (B) a list of the equipment and each service [which] that the applicant

21 intends to have available for use by buyers during the year of
22 operations following licensure or renewal, and (C) two copies of each
23 health club contract [which] that the applicant is currently using or
24 intends to use; and [(3)] (4) compliance with the requirements of
25 [section] sections 19a-197 and 21a-226. Such licenses shall be renewed
26 annually. The commissioner may impose a civil penalty of not more
27 than three hundred dollars against any health club that continues to
28 sell or offer for sale health club contracts for any location but fails to
29 submit a license renewal and license renewal fee for such location not
30 later than thirty days after 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, or section 3 or 4 of this act, shall not be liable to
74 such person assisted for civil damages for any personal injuries which
75 result from acts or omissions by such person in rendering the
76 emergency care, which may constitute ordinary negligence. The
77 immunity provided in this subsection does not apply to acts or
78 omissions constituting gross, wilful or wanton negligence. Nothing in
79 this subsection shall be construed to exempt paid or volunteer
80 firefighters, police officers or emergency medical services personnel
81 from completing training in cardiopulmonary resuscitation or in the
82 use of an automatic external defibrillator in accordance with the
83 standard set forth by the American Red Cross or American Heart
84 Association. For the purposes of this subsection, "automatic external
85 defibrillator" means a device that: (1) Is used to administer an electric
86 shock through the chest wall to the heart; (2) contains internal

87 decision-making electronics, microcomputers or special software that
 88 allows it to interpret physiologic signals, make medical diagnosis and,
 89 if necessary, apply therapy; (3) guides the user through the process of
 90 using the device by audible or visual prompts; and (4) does not require
 91 the user to employ any discretion or judgment in its use.

92 Sec. 3. (NEW) (*Effective October 1, 2007*) Each local and regional
 93 board of education and the executive authority of each private school
 94 shall (1) provide and maintain in a central location on the premises of
 95 each school under its jurisdiction, which location is made known and
 96 available to employees of such school, at least one automatic external
 97 defibrillator, as defined in section 19a-175 of the general statutes, and
 98 (2) make reasonable efforts to ensure that at least one employee is on-
 99 site during normal school hours who is trained in cardiopulmonary
 100 resuscitation and the use of automatic external defibrillators in
 101 accordance with standards set forth by the American Red Cross or
 102 American Heart Association.

103 Sec. 4. (NEW) (*Effective October 1, 2007*) Each entity having control of
 104 a public building constructed on or after October 1, 2007, at a cost
 105 exceeding two million dollars shall (1) provide and maintain in a
 106 central location on the premises of the building, which location is
 107 made known and available to employees of such building, at least one
 108 automatic external defibrillator, as defined in section 19a-175 of the
 109 general statutes, and (2) make reasonable efforts to ensure that at least
 110 one employee is on-site during normal business hours who is trained
 111 in cardiopulmonary resuscitation and the use of automatic external
 112 defibrillators in accordance with standards set forth by the American
 113 Red Cross or American Heart Association.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	21a-223
Sec. 2	<i>July 1, 2007</i>	52-557b(a)
Sec. 3	<i>October 1, 2007</i>	New section

Sec. 4	<i>October 1, 2007</i>	New section
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Joint Favorable Subst. C/R

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