



General Assembly

Substitute Bill No. 1339

January Session, 2007

* SB01339JUD__041307__ *

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 Section 21a-223 of the general statutes is repealed and the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 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] the 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) (i) provide and maintain in
11 a central location on the premises of the health club at least one
12 automatic external defibrillator, as defined in section 19a-175, and (ii)
13 make such central location known and available to employees of such
14 health club, (B) make reasonable efforts to ensure that at least one
15 employee is on the premises of such health club during staffed
16 business hours who is trained in cardiopulmonary resuscitation and
17 the use of an automatic external defibrillator in accordance with the
18 standards set forth by the American Red Cross or American Heart
19 Association, (C) maintain and test the automatic external defibrillator
20 in accordance with the manufacturer's guidelines, and (D) promptly

21 notify a local emergency medical services provider after each use of
22 such automatic external defibrillator; (3) that the application be
23 accompanied by (A) a license or renewal fee of two hundred dollars,
24 (B) a list of the equipment and each service [which] that the applicant
25 intends to have available for use by buyers during the year of
26 operations following licensure or renewal, and (C) two copies of each
27 health club contract [which] that the applicant is currently using or
28 intends to use; and [(3)] (4) compliance with the requirements of
29 [section] sections 19a-197 and 21a-226. Such licenses shall be renewed
30 annually. The commissioner may impose a civil penalty of not more
31 than three hundred dollars against any health club that continues to
32 sell or offer for sale health club contracts for any location but fails to
33 submit a license renewal and license renewal fee for such location not
34 later than thirty days after such license's expiration date.

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

45 (c) If the commissioner refuses to grant or renew a license of any
46 health club, the commissioner shall notify the applicant or licensee of
47 the refusal, and of [his] the right to request a hearing [within] not later
48 than ten days [from] after the date of receipt of the notice of refusal. If
49 the applicant or licensee requests a hearing within [ten days] such ten-
50 day period, the commissioner shall give notice of the grounds for [his]
51 the commissioner's refusal to grant or renew such license and shall
52 conduct a hearing concerning such refusal in accordance with the
53 provisions of chapter 54 concerning contested matters.

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

59 Sec. 2. Subsection (a) of section 52-557b of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective July*
61 *1, 2007*):

62 (a) A person licensed to practice medicine and surgery under the
63 provisions of chapter 370 or dentistry under the provisions of section
64 20-106 or members of the same professions licensed to practice in any
65 other state of the United States, a person licensed as a registered nurse
66 under section 20-93 or 20-94 or certified as a licensed practical nurse
67 under section 20-96 or 20-97, a medical technician or any person
68 operating a cardiopulmonary resuscitator or an automatic external
69 defibrillator, or a person trained in cardiopulmonary resuscitation or
70 in the use of an automatic external defibrillator in accordance with the
71 standards set forth by the American Red Cross or American Heart
72 Association, who, voluntarily and gratuitously and other than in the
73 ordinary course of such person's employment or practice, renders
74 emergency medical or professional assistance to a person in need
75 thereof, or a health club, entity or person providing, maintaining or
76 using an automatic external defibrillator pursuant to section 21a-223,
77 as amended by this act, in accordance with the requirements of section
78 21a-223, as amended by this act, or a board of education, executive
79 authority or person providing, maintaining or using an automatic
80 external defibrillator pursuant to section 3 of this act, or an entity or
81 person providing, maintaining or using an automatic external
82 defibrillator pursuant to section 4 of this act, shall not be liable to such
83 person assisted for civil damages for any personal injuries which result
84 from acts or omissions by such person in rendering the emergency
85 care, which may constitute ordinary negligence. The immunity
86 provided in this subsection does not apply to acts or omissions
87 constituting gross, wilful or wanton negligence. Nothing in this

88 subsection shall be construed to exempt paid or volunteer firefighters,
89 police officers or emergency medical services personnel from
90 completing training in cardiopulmonary resuscitation or in the use of
91 an automatic external defibrillator in accordance with the standard set
92 forth by the American Red Cross or American Heart Association. The
93 limit of liability provided by this subsection shall not apply to acts or
94 omissions unrelated to the rendering of emergency care. For the
95 purposes of this subsection, "automatic external defibrillator" means a
96 device that: (1) Is used to administer an electric shock through the
97 chest wall to the heart; (2) contains internal decision-making
98 electronics, microcomputers or special software that allows it to
99 interpret physiologic signals, make medical diagnosis and, if
100 necessary, apply therapy; (3) guides the user through the process of
101 using the device by audible or visual prompts; and (4) does not require
102 the user to employ any discretion or judgment in its use.

103 Sec. 3. (NEW) (*Effective July 1, 2007*) Each local and regional board of
104 education and each executive authority of a private school shall (1) (A)
105 provide and maintain in a central location on the premises of each
106 school under its jurisdiction at least one automatic external
107 defibrillator, as defined in section 19a-175 of the general statutes, and
108 (B) make such central location known and available to employees of
109 such school, and (2) make reasonable efforts to ensure that at least one
110 employee is on the premises of such school during normal school
111 hours who is trained in cardiopulmonary resuscitation and the use of
112 an automatic external defibrillator in accordance with the standards set
113 forth by the American Red Cross or American Heart Association.

114 Sec. 4. (NEW) (*Effective July 1, 2007*) Each entity having control of a
115 public building constructed on or after July 1, 2007, at a cost exceeding
116 two million dollars, shall (1) (A) provide and maintain in a central
117 location on the premises of the building at least one automatic external
118 defibrillator, as defined in section 19a-175 of the general statutes, and
119 (B) make such central location known and available to individuals
120 employed at such building, and (2) make reasonable efforts to ensure
121 that at least one individual employed at such building is on the

