



# House of Representatives

General Assembly

**File No. 295**

February Session, 2008

Substitute House Bill No. 5503

*House of Representatives, March 31, 2008*

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 Section 21a-223 of the general statutes is repealed and the  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, 2009*):

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. For the purposes of this subsection,  
31 "automatic external defibrillator" means a device that: (i) Is used to  
32 administer an electric shock through the chest wall to the heart; (ii)  
33 contains internal decision-making electronics, microcomputers or  
34 special software that allows it to interpret physiologic signals, make  
35 medical diagnosis and, if necessary, apply therapy; (iii) guides the user  
36 through the process of using the device by audible or visual prompts;  
37 and (iv) does not require the user to employ any discretion or  
38 judgment in its use.

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

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

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

63 Sec. 2. (NEW) (*Effective January 1, 2009*) (a) A health club or such  
64 health club's owner or agent who provides or maintains an automatic  
65 external defibrillator pursuant to section 21a-223 of the general  
66 statutes, as amended by this act, shall not be liable for civil damages  
67 for any personal injuries which result from acts or omissions by a  
68 person who uses or fails to use the automatic external defibrillator to  
69 render emergency care to a person in need thereof.

70 (b) The immunity provided in subsection (a) of this section applies  
71 only if the health club or such health club's owner or agent has  
72 provided or maintained the automatic external defibrillator pursuant  
73 to section 21a-223 of the general statutes, as amended by this act, and  
74 has: (1) Maintained the automatic external defibrillator in accordance  
75 with recommended manufacturer guidelines; (2) stored the automatic  
76 external defibrillator in a location from which it is readily available  
77 during staffed business hours; and (3) clearly marked the location of  
78 the automatic external defibrillator.

79 (c) The immunity provided in subsection (a) of this section does not  
80 apply to acts or omissions constituting gross, wilful or wanton  
81 negligence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2009</i>	21a-223
Sec. 2	<i>January 1, 2009</i>	New section

**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:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

**sHB 5503**

***AN ACT REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATORS  
IN HEALTH CLUBS.***

**SUMMARY:**

This bill requires a licensed health club, as a condition of holding its license, to (1) provide and maintain at least one automatic external defibrillator (AED) on its premises in a central location known and available to employees present at the club, (2) ensure that at least one employee on the premises during staffed business hours is trained in cardiopulmonary resuscitation (CPR) and the use of AEDs in accordance with American Red Cross or American Heart Association standards, and (3) 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 a health club providing or maintaining an AED under the bill's provisions for personal injuries resulting from acts or omissions by someone who uses or fails to use the AED to provide emergency care to someone who needs it. The immunity applies if the club:

1. maintains the AED in accordance with recommended manufacturer guidelines,
2. stores the AED in a location from which it is readily available during staffed business hours, and
3. clearly marks the AED's location.

The immunity does not extend to acts or omissions constituting gross, willful, or wanton negligence.

For this purpose, an “AED” is a device that:

1. is used to administer an electric shock through the chest wall to the heart;
2. contains internal decision-making electronics, microcomputers, or special software that allows it to interpret physiologic signals, make a medical diagnosis, and, if necessary, apply therapy;
3. guides the user through the process of using the device by audible or visual prompts; and
4. does not require the user to employ any discretion or judgment in its use.

EFFECTIVE DATE: January 1, 2009

**BACKGROUND**

***Health Club Licensing***

The law requires each health club location to obtain a license from the Department of Consumer Protection (DCP). The DCP commissioner may, after notice and 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.

***Related Bills***

HB 5701, reported by the Public Health Committee, eliminates the law requiring everyone having an AED to inform the Office of Emergency Medical Services of its location.

sHB 6087, reported by the Judiciary Committee, also requires AEDs, to be placed in health clubs.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 17 Nay 1 (03/11/2008)

