



# Senate

General Assembly

**File No. 438**

February Session, 2008

Substitute Senate Bill No. 687

*Senate, April 3, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***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 Section 21a-223 of the general statutes is repealed and the  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, 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] 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) ensure that at least one employee is on the premises of  
15 such health club during business hours who is trained in

16 cardiopulmonary resuscitation and the use of an automatic external  
17 defibrillator in accordance with the standards set forth by the  
18 American Red Cross or American Heart Association, (C) maintain and  
19 test the automatic external defibrillator in accordance with the  
20 manufacturer's guidelines, and (D) promptly notify a local emergency  
21 medical services provider after each use of such automatic external  
22 defibrillator; (3) that the application be accompanied by (A) a license or  
23 renewal fee of two hundred dollars, (B) a list of the equipment and  
24 each service [which] that the applicant intends to have available for  
25 use by buyers during the year of operations following licensure or  
26 renewal, and (C) two copies of each health club contract [which] that  
27 the applicant is currently using or intends to use; and [(3)] (4)  
28 compliance with the requirements of [section] sections 19a-197 and  
29 21a-226. Such licenses shall be renewed annually. The commissioner  
30 may impose a civil penalty of not more than three hundred dollars  
31 against any health club that continues to sell or offer for sale health  
32 club contracts for any location but fails to submit a license renewal and  
33 license renewal fee for such location not later than thirty days after  
34 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 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 applicant's or licensee's right to request a  
48 hearing [within] not later than ten days [from] after the date of receipt  
49 of the notice of refusal. If the applicant or licensee requests a hearing

50 within [ten days] such ten-day period, the commissioner shall give  
51 notice of the grounds for [his] the commissioner's refusal to grant or  
52 renew such license and shall conduct a hearing concerning such  
53 refusal in accordance with the provisions of chapter 54 concerning  
54 contested matters.

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

60 Sec. 2. (NEW) (*Effective January 1, 2009*) (a) Not later than January 1,  
61 2009, the athletic department of each institution of higher education  
62 shall develop and implement a policy consistent with this section  
63 concerning the availability and use of automatic external defibrillators  
64 during athletic activities and events.

65 (b) Each athletic department of an institution of higher education  
66 shall (1) (A) provide and maintain in a central location on the premises  
67 of the athletic department at least one automatic external defibrillator,  
68 as defined in section 19a-175 of the general statutes, and (B) make such  
69 central location known and available to employees and student-  
70 athletes of such athletic department, (2) ensure that at least one  
71 licensed athletic trainer is on the premises of such athletic department  
72 during hours of operation who is trained in cardiopulmonary  
73 resuscitation and the use of an automatic external defibrillator in  
74 accordance with the standards set forth by the American Red Cross or  
75 American Heart Association, (3) maintain and test the automatic  
76 external defibrillator in accordance with the manufacturer's guidelines,  
77 (4) promptly notify a local emergency medical services provider after  
78 each use of such automatic external defibrillator, and (5) comply with  
79 the requirements of section 19a-197 of the general statutes. As used in  
80 this section "the premises of the athletic department" means those  
81 premises that are used for a sport that involves physical contact  
82 between players as part of normal play, and may include, but need not

83 be limited to, an athletic building or room, gymnasium, athletic field or  
84 stadium, or other venue used for athletics.

85 Sec. 3. Subsection (a) of section 52-557b of the general statutes is  
86 repealed and the following is substituted in lieu thereof (*Effective*  
87 *January 1, 2009*):

88 (a) A person licensed to practice medicine and surgery under the  
89 provisions of chapter 370 or dentistry under the provisions of section  
90 20-106 or members of the same professions licensed to practice in any  
91 other state of the United States, a person licensed as a registered nurse  
92 under section 20-93 or 20-94 or certified as a licensed practical nurse  
93 under section 20-96 or 20-97, a medical technician or any person  
94 operating a cardiopulmonary resuscitator or an automatic external  
95 defibrillator, [or] a person trained in cardiopulmonary resuscitation or  
96 in the use of an automatic external defibrillator in accordance with the  
97 standards set forth by the American Red Cross or American Heart  
98 Association, who, voluntarily and gratuitously and other than in the  
99 ordinary course of such person's employment or practice, renders  
100 emergency medical or professional assistance to a person in need  
101 thereof, a person or entity providing, maintaining or using an  
102 automatic external defibrillator in accordance with section 21a-223, as  
103 amended by this act, or a person or entity providing, maintaining or  
104 using an automatic external defibrillator in accordance with section 2  
105 of this act, shall not be liable to such person assisted for civil damages  
106 for any personal injuries which result from acts or omissions by such  
107 person in rendering the emergency care, which may constitute  
108 ordinary negligence. The immunity provided in this subsection does  
109 not apply to acts or omissions constituting gross, wilful or wanton  
110 negligence. With respect to the use of an automatic external  
111 defibrillator, the immunity provided in this subsection shall only apply  
112 to acts or omissions involving the use of an automatic external  
113 defibrillator in the rendering of emergency care. Nothing in this  
114 subsection shall be construed to exempt paid or volunteer firefighters,  
115 police officers or emergency medical services personnel from  
116 completing training in cardiopulmonary resuscitation or in the use of

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2009	21a-223
Sec. 2	January 1, 2009	New section
Sec. 3	January 1, 2009	52-557b(a)

**Statement of Legislative Commissioners:**

The new sentence in section 3 was rewritten for consistency with the preceding sentence and to clarify that the sentence does not limit immunity for the rendering of emergency care by means other than through the use of an automatic external defibrillator.

**JUD**      *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:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
UConn	GF - Cost	120,000	120,000
CT State Univ.	GF - Cost	360,000	360,000
Colleges, Regional Comm.-Tech.	GF - Cost	741,600	720,000
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	GF - Cost	304,320	703,560
Consumer Protection, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

**Section 1** of the bill results in no additional costs to the Department of Consumer Protection (DCP). Although the bill requires that licensed health clubs, as a condition of licensure, maintain at least one automatic external defibrillator (AED) it is anticipated that the DCP can check for such equipment upon complaint or in the investigation of other complaints.

**Section 2** of the bill requires that the athletic departments of institutions of higher education provide and maintain at least one automatic external defibrillator (AED). Additionally, each institution of higher education must ensure that at least one licensed athletic trainer be on the premises during hours of operation.

The University of Connecticut (UConn) and the Connecticut State

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<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

University System (CSUS) currently own and maintain AEDs, and would not incur an additional cost to comply with the equipment provision contained in the bill. However, both UConn and CSUS operate several athletic programs and activities, which would require oversight by a licensed athletic trainer.

It is anticipated that UConn would require two additional athletic trainers, with a combined annual salary of \$120,000<sup>2</sup> (plus fringe benefits of \$30,432 in the first year, and \$70,356 for each subsequent year). Additionally, it is anticipated that CSUS would require six additional athletic trainers, for the four regional campus locations, at an annual combined salary of \$360,000 (plus fringe benefits of 91,296 in the first year, and \$211,068 for each subsequent year).

The Regional-Community Technical Colleges (CTC) do not currently own or maintain AEDs, and would be required to purchase twelve<sup>3</sup> (at an average cost of \$1,800 per unit) for a total cost of \$21,600. Additionally, the CTC's would require one certified athletic trainer at each of the twelve locations, for a combined annual salary of \$720,000 (plus fringe benefits of \$182,592 in the first year, and \$422,136 for each subsequent year).

**Section 3** of the bill does not result in a fiscal impact to the state or municipalities.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, except for the equipment cost of purchasing the AEDs for the CTC's, which would be one-time in nature.

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<sup>2</sup> The annual average salary for one licensed athletic trainer is approximately \$60,000.

<sup>3</sup> One AED for each CTC location.

**OLR Bill Analysis****sSB 687****AN ACT CONCERNING AUTOMATIC EXTERNAL DEFIBRILLATORS.****SUMMARY:**

This bill requires licensed health clubs, as a condition of licensure, and athletic departments of institutions of higher education to provide and maintain at least one automatic external defibrillator (AED) on their premises in a central location known and available to employees and student-athletes.

They must also:

1. ensure that at least one employee on the premises during their hours of operation (in the case of an athletic department, the person must be a licensed trainer) is trained in cardiopulmonary resuscitation and the use of AEDs in accordance with American Red Cross or American Heart Association standards,
2. follow the manufacturer's guidelines for maintaining and testing the AED,
3. promptly notify a local emergency medical services provider after each AED use, and
4. 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 people or entities providing, maintaining, or using an AED under the bill's provisions for personal injuries resulting from acts or omissions involving its use to render emergency care. The immunity does not extend to acts or



omissions constituting gross, willful, or wanton negligence.

EFFECTIVE DATE: January 1, 2009

## **ATHLETIC DEPARTMENTS OF INSTITUTIONS OF HIGHER EDUCATION**

By January 1, 2009, the bill directs the athletic departments of institutions of higher education to develop and implement policies concerning the availability and use of AEDs during athletic activities. The policies must be consistent with the bill's provisions.

Under the bill, the premises of an athletic department are those premises used for a sport that involves physical contact between players as a part of normal play, including athletic buildings or rooms, gymnasiums, athletic fields or stadiums, or other venues used for athletics.

## **BACKGROUND**

### ***Automatic External Defibrillators***

AEDs are defined by law as devices that:

1. are used to administer an electric shock through the chest wall to the heart;
2. contain internal decision-making electronics, microcomputers, or special software that allow them to interpret physiologic signals, make a medical diagnosis, and, if necessary, apply therapy;
3. guide users through the process of using the device by audible or visual prompts; and
4. do not require users to employ any discretion or judgment.

### ***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**

sHB 5503, favorably reported by the General Law Committee, requires health clubs to provide and maintain AEDs. 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.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/17/2008)