



General Assembly

February Session, 2008

**Raised Bill No. 5503**

LCO No. 1703

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Referred to Committee on General Law

Introduced by:  
(GL)

**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 Section 21a-223 of the general statutes is repealed and the  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.

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, 2008*):

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, 2009</i>	21a-223
Sec. 2	<i>July 1, 2008</i>	52-557b(a)

**Statement of Purpose:**

To require health clubs to provide and maintain automatic external defibrillators on premises.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*