



General Assembly

Substitute Bill No. 5503

February Session, 2008

* _____ HB05503GL _____ 031108 _____ *

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 Section 21a-223 of the general statutes is repealed and the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
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GL *Joint Favorable Subst.*