



General Assembly

February Session, 2008

**Raised Bill No. 687**

LCO No. 3131

\*03131\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***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 Section 21a-223 of the general statutes is repealed and the  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) 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 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. (NEW) (*Effective January 1, 2009*) (a) Not later than January 1,  
60 2009, the athletic department of each institution of higher education  
61 shall develop and implement a policy consistent with this section  
62 concerning the availability and use of automatic external defibrillators  
63 during athletic activities and events.

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

83 room, gymnasium, athletic field or stadium, or other venue used for  
84 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. The limit of liability provided by this subsection shall not  
111 apply to acts or omissions unrelated to the rendering of emergency  
112 care. Nothing in this subsection shall be construed to exempt paid or  
113 volunteer firefighters, police officers or emergency medical services  
114 personnel from completing training in cardiopulmonary resuscitation  
115 or in the use of an automatic external defibrillator in accordance with

116 the standard set forth by the American Red Cross or American Heart  
117 Association. For the purposes of this subsection, "automatic external  
118 defibrillator" means a device that: (1) Is used to administer an electric  
119 shock through the chest wall to the heart; (2) contains internal  
120 decision-making electronics, microcomputers or special software that  
121 allows it to interpret physiologic signals, make medical diagnosis and,  
122 if necessary, apply therapy; (3) guides the user through the process of  
123 using the device by audible or visual prompts; and (4) does not require  
124 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	<i>January 1, 2009</i>	21a-223
Sec. 2	<i>January 1, 2009</i>	New section
Sec. 3	<i>January 1, 2009</i>	52-557b(a)

**Statement of Purpose:**

To establish requirements and immunity for the use of automated external defibrillators in health clubs and athletic facilities of institutions of higher education.

*[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.]*