



General Assembly

Substitute Bill No. 687

February Session, 2008

* SB00687JUD__031708__ *

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 Section 21a-223 of the general statutes is repealed and the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