



General Assembly

**Substitute Bill No. 687**

February Session, 2008

\* SB00687HED\_\_041708\_\_ \*

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 Section 21a-223 of the general statutes is repealed and the  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

**JUD**      *Joint Favorable Subst.*

**GAE**      *Joint Favorable*

**HED**      *Joint Favorable*