



General Assembly

January Session, 2009

Raised Bill No. 1089

LCO No. 4504

04504_____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 Section 21a-223 of the general statutes is repealed and the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, 2010*):

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 accessible to employees of such
14 health club, (B) ensure that at least one employee is on the premises of
15 such health club during staffed 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, 2010*) (a) Not later than January 1,
61 2010, 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 intercollegiate sport practice, training and competition.

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 accessible to employees and student-
70 athletes of such athletic department during all hours of intercollegiate
71 sport practice, training and competition, (2) ensure that at least one
72 licensed athletic trainer or other person who is trained in
73 cardiopulmonary resuscitation and the use of an automatic external
74 defibrillator in accordance with the standards set forth by the
75 American Red Cross or American Heart Association is on the premises
76 of such athletic department during all hours of intercollegiate sport
77 practice, training and competition, (3) maintain and test the automatic
78 external defibrillator in accordance with the manufacturer's guidelines,
79 (4) promptly notify a local emergency medical services provider after
80 each use of such automatic external defibrillator, and (5) comply with
81 the requirements of section 19a-197 of the general statutes. As used in

82 this section "the premises of the athletic department" means those
83 premises that are used for intercollegiate sport practice, training or
84 competition and may include, but need not be limited to, an athletic
85 building or room, gymnasium, athletic field or stadium; and
86 "intercollegiate sport" means a sport played at the collegiate level for
87 which eligibility requirements for participation by a student-athlete are
88 established by a national association for the promotion or regulation of
89 collegiate athletics.

90 Sec. 3. (NEW) (*Effective January 1, 2010*) (a) Not later than January 1,
91 2010, each local or regional board of education shall develop and
92 implement a policy consistent with this section concerning the
93 availability and use of automatic external defibrillators during
94 interscholastic sport practice, training and competition at any high
95 school under the jurisdiction of said board.

96 (b) Each local or regional board of education shall ensure that the
97 athletic department of any high school under the jurisdiction of said
98 board shall (1) (A) provide and maintain in a central location on the
99 premises of the athletic department at least one automatic external
100 defibrillator, as defined in section 19a-175 of the general statutes, and
101 (B) make such central location known and accessible to employees and
102 student-athletes of such athletic department during all hours of
103 interscholastic sport practice, training and competition, (2) ensure that
104 at least one licensed athletic trainer or other person who is trained in
105 cardiopulmonary resuscitation and the use of an automatic external
106 defibrillator in accordance with the standards set forth by the
107 American Red Cross or American Heart Association is on the premises
108 of such athletic department during all hours of interscholastic sport
109 practice, training and competition, (3) maintain and test the automatic
110 external defibrillator in accordance with the manufacturer's guidelines,
111 (4) promptly notify a local emergency medical services provider after
112 each use of such automatic external defibrillator, and (5) comply with
113 the requirements of section 19a-197 of the general statutes. As used in
114 this section "the premises of the athletic department" means those

115 premises that are used for interscholastic sport practice, training or
116 competition and may include, but need not be limited to, an athletic
117 building or room, gymnasium, athletic field or stadium; and
118 "interscholastic sport" means a sport played at the high school level for
119 which eligibility requirements for participation by a student-athlete are
120 established by a state or national association for the promotion or
121 regulation of interscholastic athletics.

122 Sec. 4. Subsection (a) of section 52-557b of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective*
124 *January 1, 2010*):

125 (a) A person licensed to practice medicine and surgery under the
126 provisions of chapter 370 or dentistry under the provisions of section
127 20-106 or members of the same professions licensed to practice in any
128 other state of the United States, a person licensed as a registered nurse
129 under section 20-93 or 20-94 or certified as a licensed practical nurse
130 under section 20-96 or 20-97, a medical technician or any person
131 operating a cardiopulmonary resuscitator or an automatic external
132 defibrillator, [or] a person trained in cardiopulmonary resuscitation or
133 in the use of an automatic external defibrillator in accordance with the
134 standards set forth by the American Red Cross or American Heart
135 Association, who, voluntarily and gratuitously and other than in the
136 ordinary course of such person's employment or practice, renders
137 emergency medical or professional assistance to a person in need
138 thereof, a person or entity providing, maintaining or using an
139 automatic external defibrillator in accordance with section 21a-223, as
140 amended by this act, or a person or entity providing, maintaining or
141 using an automatic external defibrillator in accordance with section 2
142 or 3 of this act, shall not be liable to such person assisted for civil
143 damages for any personal injuries which result from acts or omissions
144 by such person in rendering the emergency care, which may constitute
145 ordinary negligence. The immunity provided in this subsection does
146 not apply to acts or omissions constituting gross, wilful or wanton
147 negligence. With respect to the use of an automatic external

148 defibrillator, the immunity provided in this subsection shall only apply
 149 to acts or omissions involving the use of an automatic external
 150 defibrillator in the rendering of emergency care. Nothing in this
 151 subsection shall be construed to exempt paid or volunteer firefighters,
 152 police officers or emergency medical services personnel from
 153 completing training in cardiopulmonary resuscitation or in the use of
 154 an automatic external defibrillator in accordance with the standard set
 155 forth by the American Red Cross or American Heart Association. For
 156 the purposes of this subsection, "automatic external defibrillator"
 157 means a device that: (1) Is used to administer an electric shock through
 158 the chest wall to the heart; (2) contains internal decision-making
 159 electronics, microcomputers or special software that allows it to
 160 interpret physiologic signals, make medical diagnosis and, if
 161 necessary, apply therapy; (3) guides the user through the process of
 162 using the device by audible or visual prompts; and (4) does not require
 163 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, 2010</i>	21a-223
Sec. 2	<i>January 1, 2010</i>	New section
Sec. 3	<i>January 1, 2010</i>	New section
Sec. 4	<i>January 1, 2010</i>	52-557b(a)

Statement of Purpose:

To establish requirements and immunity for the use of automatic external defibrillators in health clubs and athletic facilities of public high schools and 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.]