



General Assembly

February Session, 2010

Raised Bill No. 186

LCO No. 1104

01104_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

**AN ACT CONCERNING 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 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective January 1, 2011*):

4 (a) Each individual place of business of each health club shall obtain
5 a license from the Department of Consumer Protection prior to the sale
6 of any health club contract. Application for such license shall be made
7 on forms provided by the Commissioner of Consumer Protection and
8 said commissioner shall require as a condition to the issuance and
9 renewal of any license obtained under this chapter (1) that the
10 applicant provide for and maintain on the premises of the health club
11 sanitary facilities; (2) that the applicant (A) (i) provide and maintain in
12 a central location on the premises of the health club at least one
13 automatic external defibrillator, as defined in section 19a-175, and (ii)
14 make such central location known and accessible to employees of such
15 health club, (B) ensure that at least one employee is on the premises of
16 such health club during staffed business hours who is trained in

17 cardiopulmonary resuscitation and the use of an automatic external
18 defibrillator in accordance with the standards set forth by the
19 American Red Cross or American Heart Association, (C) maintain and
20 test the automatic external defibrillator in accordance with the
21 manufacturer's guidelines, and (D) promptly notify a local emergency
22 medical services provider after each use of such automatic external
23 defibrillator; (3) that the application be accompanied by (A) a license or
24 renewal fee of two hundred fifty dollars, (B) a list of the equipment
25 and each service [which] that the applicant intends to have available
26 for use by buyers during the year of operations following licensure or
27 renewal, and (C) two copies of each health club contract [which] that
28 the applicant is currently using or intends to use; and [(3)] (4)
29 compliance with the requirements of section 21a-226. Such licenses
30 shall be renewed annually. The commissioner may impose a civil
31 penalty of not more than three hundred dollars against any health club
32 that continues to sell or offer for sale health club contracts for any
33 location but fails to submit a license renewal and license renewal fee
34 for such location not later than thirty days after such license's
35 expiration date.

36 (b) No health club shall (1) engage in any act or practice [which] that
37 is in violation of or contrary to the provisions of this chapter or any
38 regulation adopted to carry out the provisions of this chapter,
39 including the use of contracts [which] that do not conform to the
40 requirements of this chapter, or (2) engage in conduct of a character
41 likely to mislead, deceive or defraud the buyer, the public or the
42 commissioner. The Commissioner of Consumer Protection may refuse
43 to grant or renew a license to, or may suspend or revoke the license of,
44 any health club which engages in any conduct prohibited by this
45 chapter.

46 (c) If the commissioner refuses to grant or renew a license of any
47 health club, the commissioner shall notify the applicant or licensee of
48 the refusal, and of [his] the applicant's or licensee's right to request a
49 hearing [within] not later than ten days [from] after the date of receipt

50 of the notice of refusal. If the applicant or licensee requests a hearing
51 within [ten days] such ten-day period, the commissioner shall give
52 notice of the grounds for [his] the commissioner's refusal to grant or
53 renew such license and shall conduct a hearing concerning such
54 refusal in accordance with the provisions of chapter 54 concerning
55 contested matters.

56 (d) The Attorney General, at the request of the Commissioner of
57 Consumer Protection, [is authorized to] may apply in the name of the
58 state of Connecticut to the Superior Court for an order temporarily or
59 permanently restraining and enjoining any health club from operating
60 in violation of any provision of this chapter.

61 Sec. 2. Subsection (a) of section 52-557b of the 2010 supplement to
62 the general statutes is repealed and the following is substituted in lieu
63 thereof (*Effective January 1, 2011*):

64 (a) A person licensed to practice medicine and surgery under the
65 provisions of chapter 370 or dentistry under the provisions of section
66 20-106 or members of the same professions licensed to practice in any
67 other state of the United States, a person licensed as a registered nurse
68 under section 20-93 or 20-94 or certified as a licensed practical nurse
69 under section 20-96 or 20-97, a medical technician or any person
70 operating a cardiopulmonary resuscitator or a person trained in
71 cardiopulmonary resuscitation in accordance with the standards set
72 forth by the American Red Cross or American Heart Association, or a
73 person [operating] trained in 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, who operates an
76 automatic external defibrillator, who, voluntarily and gratuitously and
77 other than in the ordinary course of such person's employment or
78 practice, renders emergency medical or professional assistance to a
79 person in need thereof, shall not be liable to such person assisted for
80 civil damages for any personal injuries which result from acts or
81 omissions by such person in rendering the emergency care, which may

82 constitute ordinary negligence. A person or entity that provides or
 83 maintains an automatic external defibrillator shall not be liable for the
 84 acts or omissions of the person or entity in providing or maintaining
 85 the automatic external defibrillator, which may constitute ordinary
 86 negligence. The immunity provided in this subsection does not apply
 87 to acts or omissions constituting gross, wilful or wanton negligence.
 88 With respect to the use of an automatic external defibrillator, the
 89 immunity provided in this subsection shall only apply to acts or
 90 omissions involving the use of an automatic external defibrillator in
 91 the rendering of emergency care. Nothing in this subsection shall be
 92 construed to exempt paid or volunteer firefighters, police officers or
 93 emergency medical services personnel from completing training in
 94 cardiopulmonary resuscitation or in the use of an automatic external
 95 defibrillator in accordance with the standard set forth by the American
 96 Red Cross or American Heart Association. For the purposes of this
 97 subsection, "automatic external defibrillator" means a device that: (1) Is
 98 used to administer an electric shock through the chest wall to the heart;
 99 (2) contains internal decision-making electronics, microcomputers or
 100 special software that allows it to interpret physiologic signals, make
 101 medical diagnosis and, if necessary, apply therapy; (3) guides the user
 102 through the process of using the device by audible or visual prompts;
 103 and (4) does not require the user to employ any discretion or judgment
 104 in its use.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2011</i>	21a-223
Sec. 2	<i>January 1, 2011</i>	52-557b(a)

Statement of Purpose:

To establish requirements regarding the placement, maintenance and use of automatic external defibrillators in health clubs.

[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.]