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Raised Bill 5431
Public Hearing: 3-3-16

TO: MEMBERS OF THE GENERAL LAW COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 3, 2016

**RE: OPPOSITION TO RAISED BILL 5431 – AAC AUTOMATIC EXTERNAL
DEFIBRILLATORS AND HEALTH CLUBS**

The CTLA strongly **opposes raised bill 5431**, and respectfully contends that the bill should be defeated.

This proposal attempts to expand the good samaritan immunity in C.G.S. 52-557b(a) to health clubs for the non-use of automatic external defibrillators(AEDs).

- The proposal would expand the immunity in this section to “health clubs”.

The Good Samaritan law was passed to give individuals who voluntarily and gratuitously render emergency medical attention immunity from liability for ordinary negligence. In 2009, against the objections of the CTLA, the law was amended to include “entities” that provide AEDs on their property. This proposal would inexplicably extend that immunity for non-use to a health club with an AED on its premises. It makes no sense to extend this immunity further to “health clubs”.

- Health Clubs are currently covered for acts or omissions in the rendering of emergency care

In lines 19-28 of the bill it is clear to see that the original purpose of the inclusion of entities such as health clubs was to encourage the placement of AEDs in such facilities and encourage their use in the rendering of emergency care. The health clubs already are granted immunity for acts and omissions in both line 21 and 27 of the current statute. It makes no sense to give them further immunity.

The CTLA respectfully contends that immunity for liability should be reserved for positive actions citizens (and in the case of AEDs, entities) take to come to the aid of their fellow injured citizens. A for-profit company such as a health club should be held responsible for their negligence, just as any other citizen is. **If an act or omission causes harm while they are utilizing an AED to render emergency care they are already relieved of that responsibility**, the state should not extend that relief to non-use.

WE RESPECTFULLY URGE YOU TO DEFEAT RAISED BILL 5431. Thank you.