



House of Representatives

File No. 988

General Assembly

January Session, 2019

(Reprint of File No. 554)

Substitute House Bill No. 6146
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2019

AN ACT CONCERNING THE EXPANSION OF CERTIFICATION COURSES IN CARDIOPULMONARY RESUSCITATION AND EDUCATION AND TRAINING COURSES IN THE USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS AND THE ADMINISTRATION OF FIRST AID.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-113a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2019*):

3 The Commissioner of Public Health shall adopt regulations, in
4 accordance with chapter 54, requiring that persons who are employed
5 as lifeguards shall be certified in cardiopulmonary resuscitation by the
6 American Heart Association, the American Red Cross, [or] the
7 American Safety and Health Institute or an organization using
8 guidelines for cardiopulmonary resuscitation and emergency
9 cardiovascular care published by the American Heart Association and
10 the International Liaison Committee on Resuscitation.

11 Sec. 2. Subsections (b) and (c) of section 52-557b of the general

12 statutes are repealed and the following are substituted in lieu thereof
13 (*Effective July 1, 2019*):

14 (b) A paid or volunteer firefighter or police officer, a teacher or
15 other school personnel on the school grounds or in the school building
16 or at a school function, a member of a ski patrol, a lifeguard, a
17 conservation officer, patrol officer or special police officer of the
18 Department of Energy and Environmental Protection, or emergency
19 medical service personnel, who (1) has completed a course in first aid
20 offered by the American Red Cross, the American Heart Association,
21 the National Ski Patrol, the Department of Public Health, [or] any
22 director of health [, as] or an organization using guidelines for first aid
23 published by the American Heart Association and the American Red
24 Cross, that is certified by the [agency] organization or director of
25 health offering the course, and, [who] (2) renders emergency first aid
26 to a person in need thereof, shall not be liable to such person assisted
27 for civil damages for any personal injuries which result from acts or
28 omissions by such person in rendering the emergency first aid, which
29 may constitute ordinary negligence. No paid or volunteer firefighter,
30 police officer or emergency medical service personnel who forcibly
31 enters the residence of any person in order to render emergency first
32 aid to a person whom such firefighter, police officer or emergency
33 medical service personnel reasonably believes to be in need thereof
34 shall be liable to such person for civil damages incurred as a result of
35 such entry. The immunity provided in this subsection does not apply
36 to acts or omissions constituting gross, wilful or wanton negligence.

37 (c) An employee of a railroad company, including any company
38 operating a commuter rail line, who has successfully completed a
39 course in first aid, offered by the American Red Cross, the American
40 Heart Association, the National Ski Patrol, the Department of Public
41 Health, [or] any director of health [, as] or an organization using
42 guidelines for first aid published by the American Heart Association
43 and the American Red Cross, that is certified by the [agency]
44 organization or director of health offering the course, and who renders
45 emergency first aid or cardiopulmonary resuscitation to a person in

46 need thereof, shall not be liable to such person assisted for civil
47 damages for any personal injury or death which results from acts or
48 omissions by such employee in rendering the emergency first aid or
49 cardiopulmonary resuscitation which may constitute ordinary
50 negligence. The immunity provided in this subsection does not apply
51 to acts or omissions constituting gross, wilful or wanton negligence.

52 Sec. 3. Subsection (h) of section 52-557b of the general statutes is
53 repealed and the following are substituted in lieu thereof (*Effective July*
54 *1, 2019*):

55 (h) Any person who has completed a course in first aid offered by
56 the American Red Cross, the American Heart Association, the National
57 Ski Patrol, the Department of Public Health, [or] any director of health
58 [, as] or by an organization using guidelines for first aid published by
59 the American Heart Association and the American Red Cross, that is
60 certified by the [agency] organization or director of health offering the
61 course, or has been trained in the use of a cartridge injector by a
62 licensed physician, physician assistant, advanced practice registered
63 nurse or registered nurse, and who, voluntarily and gratuitously and
64 other than in the ordinary course of such person's employment or
65 practice, renders emergency assistance by using a cartridge injector on
66 another person in need thereof, or any person who is an identified staff
67 member of a before or after school program, day camp or child care
68 facility, as defined in section 19a-900, as amended by this act, and who
69 renders emergency assistance by using a cartridge injector on another
70 person in need thereof, shall not be liable to such person assisted for
71 civil damages for any personal injuries which result from acts or
72 omissions by such person in using a cartridge injector, which may
73 constitute ordinary negligence. The immunity provided in this
74 subsection does not apply to acts or omissions constituting gross,
75 wilful or wanton negligence. For the purposes of this subsection,
76 "cartridge injector" has the same meaning as provided in subdivision
77 (1) of subsection (e) of this section.

78 Sec. 4. Subsection (a) of section 19a-79 of the general statutes is

79 repealed and the following is substituted in lieu thereof (*Effective July*
80 *1, 2019*):

81 (a) The Commissioner of Early Childhood shall adopt regulations,
82 in accordance with the provisions of chapter 54, to carry out the
83 purposes of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87,
84 inclusive, and to assure that child care centers and group child care
85 homes meet the health, educational and social needs of children
86 utilizing such child care centers and group child care homes. Such
87 regulations shall (1) specify that before being permitted to attend any
88 child care center or group child care home, each child shall be
89 protected as age-appropriate by adequate immunization against
90 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
91 hemophilus influenzae type B and any other vaccine required by the
92 schedule of active immunization adopted pursuant to section 19a-7f,
93 including appropriate exemptions for children for whom such
94 immunization is medically contraindicated and for children whose
95 parents or guardian objects to such immunization on religious
96 grounds, and that any objection by parents or a guardian to
97 immunization of a child on religious grounds shall be accompanied by
98 a statement from such parents or guardian that such immunization
99 would be contrary to the religious beliefs of such child or the parents
100 or guardian of such child, which statement shall be acknowledged, in
101 accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a
102 judge of a court of record or a family support magistrate, (B) a clerk or
103 deputy clerk of a court having a seal, (C) a town clerk, (D) a notary
104 public, (E) a justice of the peace, or (F) an attorney admitted to the bar
105 of this state, (2) specify conditions under which child care center
106 directors and teachers and group child care home providers may
107 administer tests to monitor glucose levels in a child with diagnosed
108 diabetes mellitus, and administer medicinal preparations, including
109 controlled drugs specified in the regulations by the commissioner, to a
110 child receiving child care services at such child care center or group
111 child care home pursuant to the written order of a physician licensed
112 to practice medicine or a dentist licensed to practice dental medicine in

113 this or another state, or an advanced practice registered nurse licensed
114 to prescribe in accordance with section 20-94a, or a physician assistant
115 licensed to prescribe in accordance with section 20-12d, and the written
116 authorization of a parent or guardian of such child, (3) specify that an
117 operator of a child care center or group child care home, licensed
118 before January 1, 1986, or an operator who receives a license after
119 January 1, 1986, for a facility licensed prior to January 1, 1986, shall
120 provide a minimum of thirty square feet per child of total indoor
121 usable space, free of furniture except that needed for the children's
122 purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens,
123 halls, isolation room or other rooms used for purposes other than the
124 activities of the children, (4) specify that a child care center or group
125 child care home licensed after January 1, 1986, shall provide thirty-five
126 square feet per child of total indoor usable space, (5) establish
127 appropriate child care center staffing requirements for employees
128 certified in cardiopulmonary resuscitation by the American Red Cross,
129 the American Heart Association, the National Safety Council,
130 American Safety and Health Institute, [or] Medic First Aid
131 International, Inc. or an organization using guidelines for
132 cardiopulmonary resuscitation and emergency cardiovascular care
133 published by the American Heart Association and International
134 Liaison Committee on Resuscitation, (6) specify that on and after
135 January 1, 2003, a child care center or group child care home (A) shall
136 not deny services to a child on the basis of a child's known or
137 suspected allergy or because a child has a prescription for an
138 automatic prefilled cartridge injector or similar automatic injectable
139 equipment used to treat an allergic reaction, or for injectable
140 equipment used to administer glucagon, (B) shall, not later than three
141 weeks after such child's enrollment in such a center or home, have staff
142 trained in the use of such equipment on-site during all hours when
143 such a child is on-site, (C) shall require such child's parent or guardian
144 to provide the injector or injectable equipment and a copy of the
145 prescription for such medication and injector or injectable equipment
146 upon enrollment of such child, and (D) shall require a parent or
147 guardian enrolling such a child to replace such medication and

148 equipment prior to its expiration date, (7) specify that on and after
149 January 1, 2005, a child care center or group child care home (A) shall
150 not deny services to a child on the basis of a child's diagnosis of
151 asthma or because a child has a prescription for an inhalant medication
152 to treat asthma, and (B) shall, not later than three weeks after such
153 child's enrollment in such a center or home, have staff trained in the
154 administration of such medication on-site during all hours when such
155 a child is on-site, and (8) establish physical plant requirements for
156 licensed child care centers and licensed group child care homes that
157 exclusively serve school-age children. When establishing such
158 requirements, the Office of Early Childhood shall give consideration to
159 child care centers and group child care homes that are located in
160 private or public school buildings. With respect to this subdivision
161 only, the commissioner shall implement policies and procedures
162 necessary to implement the physical plant requirements established
163 pursuant to this subdivision while in the process of adopting such
164 policies and procedures in regulation form. Until replaced by policies
165 and procedures implemented pursuant to this subdivision, any
166 physical plant requirement specified in the office's regulations that is
167 generally applicable to child care centers and group child care homes
168 shall continue to be applicable to such centers and homes that
169 exclusively serve school-age children. The commissioner shall print
170 notice of the intent to adopt regulations pursuant to this subdivision in
171 the Connecticut Law Journal not later than twenty days after the date
172 of implementation of such policies and procedures. Policies and
173 procedures implemented pursuant to this subdivision shall be valid
174 until the time final regulations are adopted.

175 Sec. 5. Subdivisions (4) and (5) of subsection (a) of section 10-220l of
176 the general statutes are repealed and the following is substituted in
177 lieu thereof (*Effective July 1, 2019*):

178 (4) "Qualified educator" means any person who (A) holds a valid
179 certificate issued by the State Board of Education, pursuant to section
180 10-145b, with an endorsement in physical education, (B) (i) is certified
181 as a lifeguard by the American Red Cross or another nationally

182 recognized organization that conducts aquatic training programs, (ii)
183 has completed a safety training course for swim coaches and
184 instructors [course] offered by the American Red Cross or an
185 organization approved by the State Board of Education, or (iii) was
186 certified as a lifeguard for at least five years during the previous ten
187 years and has at least five years' experience as a swimming coach or an
188 instructor of a physical education course that makes use of a school
189 swimming pool, (C) is certified in cardiopulmonary resuscitation,
190 pursuant to section [19a-113a-1 of the regulations of Connecticut state
191 agencies, as amended from time to time] 19a-113a, as amended by this
192 act, and (D) has completed a course in first aid offered by the
193 American Red Cross, the American Heart Association, the Department
194 of Public Health, [or] any director of health or an organization using
195 guidelines for first aid published by the American Heart Association
196 and the American Red Cross;

197 (5) "Qualified lifeguard" means any person who (A) is sixteen years
198 of age or older, (B) is certified as a lifeguard by the American Red
199 Cross or another nationally recognized organization that conducts
200 aquatic training programs, (C) is certified in cardiopulmonary
201 resuscitation, pursuant to section [19a-113a-1 of the regulations of
202 Connecticut state agencies, as amended from time to time] 19a-113a, as
203 amended by this act, and (D) has completed a course in first aid
204 offered by the American Red Cross, the American Heart Association,
205 the Department of Public Health, [or] any director of health or an
206 organization using guidelines for first aid published by the American
207 Heart Association and the American Red Cross.

208 Sec. 6. Subsection (b) of section 19a-900 of the general statutes is
209 repealed and the following is substituted in lieu thereof (*Effective July*
210 *1, 2019*):

211 (b) Upon the request and with the written authorization of the
212 parent or guardian of a child attending any before or after school
213 program, day camp or child care facility, and pursuant to the written
214 order of (1) a physician licensed to practice medicine, (2) a physician

215 assistant licensed to prescribe in accordance with section 20-12d, or (3)
216 an advanced practice registered nurse licensed to prescribe in
217 accordance with sections 20-94a and 20-94b, the owner or operator of
218 such before or after school program, day camp or child care facility
219 shall approve and provide general supervision to an identified staff
220 member trained to administer medication with a cartridge injector to
221 such child if the child has a medically diagnosed allergic condition that
222 may require prompt treatment in order to protect the child against
223 serious harm or death. Such staff member shall be trained in the use of
224 a cartridge injector by a licensed physician, physician assistant,
225 advanced practice registered nurse or registered nurse or shall
226 complete a course in first aid offered by the American Red Cross, the
227 American Heart Association, the National Ski Patrol, the Department
228 of Public Health, [or] any director of health or an organization using
229 guidelines for first aid and published by the American Heart
230 Association and the American Red Cross.

231 Sec. 7. Subdivision (1) of subsection (b) of section 20-2660 of the
232 general statutes is repealed and the following is substituted in lieu
233 thereof (*Effective July 1, 2019*):

234 (b) (1) Each person seeking licensure as a tattoo technician on or
235 before January 1, 2015, shall make application on a form prescribed by
236 the department, pay an application fee of two hundred fifty dollars
237 and present to the department satisfactory evidence that the applicant:
238 (A) Is eighteen years of age or older; (B) has successfully completed,
239 within the three years preceding the date of application, a course on
240 prevention of disease transmission and blood-borne pathogens that
241 complies with the standards adopted by the federal Occupational
242 Safety and Health Administration, as described in 29 CFR 1910.1030 et
243 seq., as amended from time to time, and that requires the successful
244 completion of a proficiency examination as part of such course; and (C)
245 holds current certification by the American Red Cross or the American
246 Heart Association in basic first aid or by an organization using
247 guidelines for first aid published by the American Heart Association
248 and the American Red Cross.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	19a-113a
Sec. 2	<i>July 1, 2019</i>	52-557b(b) and (c)
Sec. 3	<i>July 1, 2019</i>	52-557b(h)
Sec. 4	<i>July 1, 2019</i>	19a-79(a)
Sec. 5	<i>July 1, 2019</i>	10-220l(a)(4) and (5)
Sec. 6	<i>July 1, 2019</i>	19a-900(b)
Sec. 7	<i>July 1, 2019</i>	20-266o(b)(1)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

The bill, which broadens the list of eligible organizations that may certify certain individuals in cardiopulmonary resuscitation, is not anticipated to result in a fiscal impact to the State or municipalities.

House "A" struck the language of the underlying bill and its associated fiscal impact, replacing it with the language discussed above.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6146 (as amended by House "A")*

AN ACT CONCERNING THE EXPANSION OF CERTIFICATION COURSES IN CARDIOPULMONARY RESUSCITATION AND EDUCATION AND TRAINING COURSES IN THE USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS AND THE ADMINISTRATION OF FIRST AID.

SUMMARY

This bill adds to the list of organizations that may certify or train people in cardiopulmonary resuscitation (CPR) or first aid for various purposes, such as (1) CPR certification required for lifeguards and (2) first aid training required to qualify for immunity under certain provisions of the Good Samaritan statute. It does so by allowing organizations to provide this training or certification if they use guidelines published by the American Heart Association (AHA) and either the American Red Cross (for first aid) or International Liaison Committee on Resuscitation (for CPR).

*House Amendment "A" replaces the underlying bill, which allowed the Department of Public Health (DPH) to add to the list of organizations that may certify or train people in CPR, the use of automatic external defibrillators, or first aid for certain purposes.

EFFECTIVE DATE: July 1, 2019

ORGANIZATIONS PROVIDING TRAINING OR CERTIFICATION IN CPR AND FIRST AID

Table 1 below lists the (1) contexts in which the bill applies and (2) organizations or persons who may certify or train people in these contexts, both under the bill and under existing law.

Table 1: CPR and First Aid Training or Certification

§	Context of Training or Certification	Training or Certification Organizations
1	<p>Required CPR certification for lifeguards (DPH must adopt regulations to this effect)</p>	<p>Organizations Added by Bill:</p> <ul style="list-style-type: none"> • Those using guidelines for CPR and emergency cardiovascular care published by the AHA and International Liaison Committee on Resuscitation <p>Organizations Listed in Existing Law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • American Safety and Health Institute (ASHI)
2	<p>Civil immunity for certain trained persons for ordinary negligence when providing emergency first aid</p> <p>This applies to firefighters, police officers, teachers or other school personnel, ski patrol members, lifeguards, conservation officers, Department of Energy and Environmental Protection patrol and special police officers, or emergency medical services personnel, who have completed a first aid course certified by the organization offering the course.</p>	<p>Organizations Added by Bill:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations Listed in Existing Law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • Department of Public Health (DPH) • National Ski Patrol • Local health director

<p>2</p>	<p>Civil immunity for trained employees of a railroad company, including commuter rail line, for ordinary negligence when providing emergency first aid or CPR</p> <p>This applies if the employee completed a first aid course certified by the organization offering the course.</p>	<p>Organizations Added by Bill:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations Listed in Existing Law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • National Ski Patrol • Local health director
<p>3</p>	<p>Civil immunity for trained persons for ordinary negligence when providing emergency assistance by use of a cartridge injector, voluntarily and gratuitously and not in the ordinary course of their employment or practice</p> <p>This applies if the person completed a first aid course certified by the organization offering the course</p> <p>(Under existing law and the bill, the immunity also applies if the person was trained to use a cartridge injector by a qualifying medical professional)</p>	<p>Organizations Added by Bill:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations Listed in Existing Law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • National Ski Patrol • Local health director
<p>4</p>	<p>Child care center staffing requirements for CPR-certified employees (Office of Early Childhood must adopt regulations setting such appropriate requirements)</p>	<p>Organizations Added by Bill:</p> <ul style="list-style-type: none"> • Those using guidelines for CPR and emergency cardiovascular care published by the AHA and International Liaison Committee on Resuscitation <p>Organizations Listed in Existing Law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • National Safety Council • ASHI • Medic First Aid International

5	<p>Required first aid course for qualified educators and lifeguards monitoring school swimming pools</p> <p>Current law also requires these individuals to be certified in CPR pursuant to DPH regulations. The bill instead requires them to be certified pursuant to the statute on lifeguard certification (see section 1 above)</p>	<p>Organizations Added by Bill:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations Listed in Existing Law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • Local health director
6	<p>Required first aid course for staff members of before or after school programs, day camps, and child care facilities who are trained to administer medication with a cartridge injector to a child with diagnosed allergic condition</p> <p>(Under existing law and the bill, the course is not required if the staff member has been trained to use such an injector by a qualifying medical professional)</p> <p>By law, such staff members are granted civil immunity for ordinary negligence when providing emergency assistance by use of a cartridge injector (see § 3 of bill, CGS § 52-557b(h))</p>	<p>Organizations Added by Bill:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations Listed in Existing Law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • National Ski Patrol • Local health director
7	<p>Required basic first aid certification for tattoo technician licensure</p>	<p>Organizations Added by Bill:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations Listed in Existing Law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/22/2019)