



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:

Section 1. Section 21a-223 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(a) Each individual place of business of each health club shall obtain a license from the Department of Consumer Protection prior to the sale of any health club contract. Application for such license shall be made on forms provided by the Commissioner of Consumer Protection and said commissioner shall require as a condition to the issuance and renewal of any license obtained under this chapter (1) that the applicant provide for and maintain on the premises of the health club sanitary facilities; (2) that the applicant (A) (i) provide and maintain in a central location on the premises of the health club at least one automatic external defibrillator, as defined in section 19a-175, and (ii) make such central location known and accessible to employees of such health club, (B) ensure that at least one employee is on the premises of such health club during staffed business hours who is trained in cardiopulmonary resuscitation and the use of an automatic external defibrillator in accordance with the standards set forth by the American Red Cross or American Heart Association, (C) maintain and test the automatic external defibrillator in accordance with the manufacturer's guidelines, and (D) promptly notify a local emergency medical services provider after each use of such automatic external defibrillator; (3) that the application be accompanied by (A) a license or renewal fee of two hundred fifty dollars, (B) a list of the equipment and each service [which] that the applicant intends to have available for use by buyers during the year of operations

following licensure or renewal, and (C) two copies of each health club contract [which] that the applicant is currently using or intends to use; and [(3)] (4) compliance with the requirements of section 21a-226. Such licenses shall be renewed annually. The commissioner may impose a civil penalty of not more than three hundred dollars against any health club that continues to sell or offer for sale health club contracts for any location but fails to submit a license renewal and license renewal fee for such location not later than thirty days after such license's expiration date.

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

(c) If the commissioner refuses to grant or renew a license of any health club, the commissioner shall notify the applicant or licensee of the refusal, and of [his] the applicant's or licensee's right to request a hearing [within] not later than ten days [from] after the date of receipt of the notice of refusal. If the applicant or licensee requests a hearing within [ten days] such ten-day period, the commissioner shall give notice of the grounds for [his] the commissioner's refusal to grant or renew such license and shall conduct a hearing concerning such refusal in accordance with the provisions of chapter 54 concerning contested matters.

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

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

(a) A person licensed to practice medicine and surgery under the provisions of chapter 370 or dentistry under the provisions of section 20-106 or members of the same professions licensed to practice in any other state of the United States, a person licensed as a registered nurse under section 20-93 or 20-94 or certified as a licensed practical nurse under section 20-96 or 20-97, a medical technician or any person operating a cardiopulmonary resuscitator or a person trained in cardiopulmonary resuscitation in accordance with the standards set forth by the American Red Cross or American Heart Association, or a person [operating] trained in the use of an automatic external defibrillator in accordance with the standards set forth by the American Red Cross or

American Heart Association, who operates an automatic external defibrillator, who, voluntarily and gratuitously and other than in the ordinary course of such person's employment or practice, renders emergency medical or professional assistance to a person in need thereof, shall not be liable to such person assisted for civil damages for any personal injuries which result from acts or omissions by such person in rendering the emergency care, which may constitute ordinary negligence. A person or entity that provides or maintains an automatic external defibrillator shall not be liable for the acts or omissions of the person or entity in providing or maintaining the automatic external defibrillator, which may constitute ordinary negligence. The immunity provided in this subsection does not apply to acts or omissions constituting gross, wilful or wanton negligence. With respect to the use of an automatic external defibrillator, the immunity provided in this subsection shall only apply to acts or omissions involving the use of an automatic external defibrillator in the rendering of emergency care. Nothing in this subsection shall be construed to exempt paid or volunteer firefighters, police officers or emergency medical services personnel from completing training in cardiopulmonary resuscitation or in the use of an automatic external defibrillator in accordance with the standard set forth by the American Red Cross or American Heart Association. For the purposes of this subsection, "automatic external defibrillator" means a device that: (1) Is used to administer an electric shock through the chest wall to the heart; (2) contains internal decision-making electronics, microcomputers or special software that allows it to interpret physiologic signals, make medical diagnosis and, if necessary, apply therapy; (3) guides the user through the process of using the device by audible or visual prompts; and (4) does not require 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, 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.]