

SENATE ENROLLED ACT No. 134

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SOURCE: IC 16-19-3-29.2; (07)SE0134.1.1. -->

SECTION 1. IC 16-19-3-29.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 29.2. The state department may adopt rules under IC 4-22-2 to implement the requirements set forth in IC 24-4-15 concerning automated external defibrillators in health clubs.**

SOURCE: IC 24-4-15; (07)SE0134.1.2. --> SECTION 2. IC 24-4-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 15. Automated External Defibrillators in Health Clubs

Sec. 1. As used in this chapter, "defibrillator" means an automated external defibrillator.

Sec. 2. (a) As used in this chapter, "health club" means an establishment at which:

(1) an individual, a corporation, a limited liability company, a partnership, an association, a firm, an educational institution, or any other business enterprise offers:

(A) instruction, training, or assistance in physical fitness that is focused primarily on cardiovascular exertion; or

(B) facilities for the:

(i) preservation;

(ii) maintenance;

(iii) encouragement; or

(iv) development;

of physical fitness or well-being; and

(2) at least:

(A) fifty (50) persons have:

(i) purchased; or

(ii) paid a fee for;

the right to use the physical fitness facilities; or

(B) thirty (30) pieces of motorized physical fitness equipment are provided for use by individuals.

(b) The term includes the following:

(1) Health spas and studios.

(2) Sports centers.

(3) Weight control studios.

(4) Gymnasiums and workout centers in schools, colleges, and universities.

(c) The term does not include a workout center in:

(1) a hospital licensed under IC 16-21 or a health facility licensed under IC 16-28;

(2) a hotel or motel, unless the workout center allows membership by individuals who are not guests of the hotel or motel; or

(3) an apartment, a condominium, or a town home complex.

Sec. 3. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, an association, a firm, or an educational institution.

Sec. 4. As used in this chapter, "state department" refers to the state department of health.

Sec. 5. An owner or operator of a health club shall do the following:

(1) Ensure that a defibrillator is located on the health club premises and is easily accessible to the health club staff, members, and guests.

(2) Employ at least one (1) individual who:

(A) has satisfactorily completed a course approved by the American Red Cross or the American Heart Association; and

(B) is currently certified;

in cardiopulmonary resuscitation and defibrillator use.

(3) Reasonably ensure that at least one (1) individual described under subdivision (2) is on the health club premises

when staff is present at the health club during the health club's business hours.

(4) A health club that is not staffed must have the following on the premises:

(A) A telephone for 911 telephone call access.

(B) A sign in plain view containing an advisory warning that indicates that members of the unstaffed health spa should be aware that working out alone may pose risks to the health spa member's health and safety.

(C) A sign in plain view providing instruction in the use of the automated external defibrillator and in cardiopulmonary resuscitation.

(5) Ensure compliance with the requirements set forth in IC 16-31-6.5.

(6) Post a sign at each entrance to the health club that indicates the location of each defibrillator.

Sec. 6. A person is immune from civil liability for acts or omissions involving the use of or the failure to use a defibrillator located on the premises of a health club under this chapter as provided under IC 34-30-12-1.

Sec. 7. (a) The state department and the division of fire and building safety may inspect a health club at any time:

(1) according to rules adopted by the state department; or

(2) in response to a filed complaint alleging noncompliance with this chapter.

(b) A fire department may inspect a health club for compliance with this chapter as part of an inspection program under IC 36-8-17-8.

Sec. 8. A person who violates this chapter commits a Class C infraction.

Sec. 9. The state department may adopt rules under IC 4-22-2 to implement this chapter.

SOURCE: IC 34-30-2-96.3; (07)SE0134.1.3. --> SECTION 3. IC 34-30-2-96.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 96.3.** IC 24-4-15-6 (Concerning acts or omissions in gratuitously rendering emergency care involving the use of automated external defibrillators in health

clubs).

SOURCE: ; (07)SE0134.1.4. --> SECTION 4. [EFFECTIVE JULY 1, 2007] **(a)**

Notwithstanding IC 24-4-15, as added by this act, a health club is not required to comply with IC 24-4-15, as added by this act, before July 1, 2008.

(b) This SECTION expires December 31, 2009.