

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 226

Representatives Heard, Letson

**Cosponsors: Representatives Weddington, Hagan, Ujvagi, Luckie, Winburn,
Harwood, Chandler, Stebelton, Domenick, Lehner, Yuko**

—

A B I L L

To enact section 3731.25 of the Revised Code to 1
provide qualified civil and criminal immunity to 2
an owner or employee of a hotel or SRO facility or 3
another person who performs automated external 4
defibrillation in good faith at the hotel or 5
facility if the owner places an automated external 6
defibrillator within the hotel or facility, 7
requires at least one employee to successfully 8
complete a course in automated external 9
defibrillation and cardiopulmonary resuscitation, 10
maintains certain records, and complies with other 11
conditions. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3731.25 of the Revised Code be 13
enacted to read as follows: 14

Sec. 3731.25. (A) As used in this section: 15

(1) "Automated external defibrillation" has the same meaning 16
as in section 2305.235 of the Revised Code. 17

(2) "Automated external defibrillator" means a specialized 18

defibrillator that is approved for use as a medical device by the 19
United States food and drug administration for performing 20
automated external defibrillation. 21

(3) "Employee" means any person employed by a hotel or SRO 22
facility. 23

(B) Subject to division (C) of this section, except in the 24
case of willful or wanton misconduct or if there is no good faith 25
attempt to activate an emergency medical services system in 26
accordance with section 3701.85 of the Revised Code, no owner or 27
employee of a hotel or SRO facility and no other person shall be 28
held liable in civil damages for injury, death, or loss to person 29
or property, or held criminally liable, for performing automated 30
external defibrillation in good faith at the hotel or SRO 31
facility, regardless of whether that owner, employee, or other 32
person has successfully completed a course in automated external 33
defibrillation and cardiopulmonary resuscitation. 34

(C) The qualified immunity provided in division (B) of this 35
section applies to any owner or employee of a hotel or SRO 36
facility or to any other person only if the owner of the hotel or 37
facility does all of the following: 38

(1) Places at least one automated external defibrillator 39
within the hotel or SRO facility; 40

(2) Requires at least one employee to successfully complete a 41
course in automated external defibrillation and cardiopulmonary 42
resuscitation that is offered or approved by the American heart 43
association or American red cross; 44

(3) Ensures that an employee who has successfully completed 45
the course described in division (C)(2) of this section be present 46
at the hotel or SRO facility for at least one day a week; 47

(4) Makes the course described in division (C)(2) of this 48
section available to any employee at least once every twelve-month 49

period; 50

(5) At the place within the hotel or SRO facility where the automated external defibrillator is located, posts a record of the name of each employee who has successfully completed the course described in division (C)(2) of this section, the date when that course was successfully completed, and the name of the organization that offered the course; 51
52
53
54
55
56

(6) Informs all of the employees of the location of the automated external defibrillator within the hotel or SRO facility; 57
58

(7) Maintains and tests the automated external defibrillator according to the manufacturer's guidelines; 59
60

(8) Maintains all of the following records at the hotel or SRO facility: 61
62

(a) The record described in division (C)(5) of this section; 63

(b) A record of the name of each employee who has successfully completed the course described in division (C)(2) of this section and is present at the hotel or SRO facility for at least one day a week; 64
65
66
67

(c) A record of the date when the owner of the hotel or SRO facility informed all of the employees of the location of the automated external defibrillator within the hotel or facility; 68
69
70

(d) A record of the dates when the automated external defibrillator was maintained or tested as provided in division (C)(7) of this section; 71
72
73

(e) A record of the dates when the automated external defibrillator was repaired due to any malfunction and the nature of the malfunction. 74
75
76

Section 2. (A) As used in this section: 77

(1) "Automated external defibrillator" has the same meaning 78

as in section 3731.25 of the Revised Code. 79

(2) "Hotel" and "SRO facility" have the same meanings as in 80
section 3731.01 of the Revised Code. 81

(B) It is not the intent of the General Assembly in enacting 82
section 3731.25 of the Revised Code to require hotels and SRO 83
facilities to place automated external defibrillators on their 84
premises. It is the intent of the General Assembly in enacting 85
section 3731.25 of the Revised Code to encourage and increase the 86
use of automated external defibrillators in hotels and SRO 87
facilities to promote public safety. 88