

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 574

Representative Anielski

—

A B I L L

To amend sections 2305.235 and 3701.99 and to enact 1
section 3701.851 of the Revised Code to require a 2
health club to have an automated external 3
defibrillator installed on the premises, to 4
specify requirements for training and staffing 5
with respect to the use of that automated external 6
defibrillator, and to modify the immunity provided 7
with respect to the use of an automated external 8
defibrillator. 9

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

Section 1. That sections 2305.235 and 3701.99 be amended and 10
section 3701.851 of the Revised Code be enacted to read as 11
follows: 12

Sec. 2305.235. (A) As used in this section: 13

(1) "Automated external defibrillation" means the process of 14
applying a specialized defibrillator to a person in cardiac 15
arrest, allowing the defibrillator to interpret the cardiac 16
rhythm, and, if appropriate, delivering an electrical shock to the 17
heart to allow it to resume effective electrical activity. 18

(2) "Physician" has the same meaning as in section 4765.01 of 19
the Revised Code. 20

(B) Except in the case of willful or wanton misconduct or an act or omission that constitutes gross negligence, no physician shall be held liable in civil damages for injury, death, or loss to person or property for providing a prescription for an automated external defibrillator approved for use as a medical device by the United States food and drug administration or consulting with a person regarding the use and maintenance of a defibrillator. 21
22
23
24
25
26
27
28

(C) Except in the case of willful or wanton misconduct or an act or omission that constitutes gross negligence, no person shall be held liable in civil damages for injury, death, or loss to person or property for providing training in automated external defibrillation and cardiopulmonary resuscitation. 29
30
31
32
33

(D) Except in the case of willful or wanton misconduct, or an act or omission that constitutes gross negligence, or when there is no good faith attempt to activate an emergency medical services system in accordance with section 3701.85 of the Revised Code, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation. 34
35
36
37
38
39
40
41
42
43

(E) Except in the case of willful or wanton misconduct or an act or omission that constitutes gross negligence, no person who owns, occupies, or manages a facility where an automated external defibrillator is located shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable in the event that the situation described in division (D) of this section occurs in that facility. 44
45
46
47
48
49
50

Sec. 3701.851. (A) As used in this section: 51

(1) "Automated external defibrillation" has the same meaning 52
as in section 2305.235 of the Revised Code. 53

(2) "Automated external defibrillator" has the same meaning 54
as in section 3313.717 of the Revised Code. 55

(3)(a) "Health club" means an establishment that provides, as 56
its primary purpose, services or facilities that are purported to 57
assist patrons in physical exercise, weight control, or figure 58
development. "Health club" includes a fitness center, studio, 59
salon, or club. 60

(b) "Health club" does not include any of the following: 61

(i) A hotel or motel that provides physical fitness equipment 62
or activities; 63

(ii) An organization solely offering training or facilities 64
for an individual sport; 65

(iii) A weight reduction center; 66

(iv) A facility with a primary purpose of providing 67
rehabilitative or physical therapy services. 68

(4) "9-1-1 system" has the same meaning as in section 5507.01 69
of the Revised Code. 70

(B)(1) An owner, operator, or manager of a health club, 71
during the hours of operation in which staff are on duty, shall do 72
both of the following: 73

(a) Have installed on the premises of the health club an 74
automated external defibrillator in a manner that provides obvious 75
and ready accessibility to staff, members, and guests; 76

(b) Have at least one employee who is satisfactorily trained 77
in the usage of an automated external defibrillator, 78
cardiopulmonary resuscitation, and basic first aid during all 79
hours of operation in which staff are regularly on duty; 80

(c) If the health club is open for more than eight hours a day, more than five days a week, and is more than six thousand square feet in size, employ more than one employee who is trained as described in division (B)(1)(b) of this section. 81
82
83
84

(2) For purposes of divisions (B)(1)(b) and (c) of this section, a trained employee also may provide other services for the owner, operator, or manager of the health club. 85
86
87

(C)(1) An owner, operator, or manager of a health club that is open twenty-four hours a day and that does not have staff on duty during all hours of operation shall do all of the following: 88
89
90

(a) Have the premises of the health club meet the applicable requirements for emergency medical service accessibility; 91
92

(b) Have installed on the premises of the health club, in an open and obvious location, a panic button to alert emergency medical services in the case of an emergency; 93
94
95

(c) Have installed on the premises of the health club an automated external defibrillator deployed in a manner that provides obvious and ready accessibility to members and guests and that has proper signage on the device that explains how to use the device; 96
97
98
99
100

(d) Have installed on the premises of the health club, in an open and obvious location, a telephone for the sole purpose of allowing a person to access the 9-1-1 system in the case of an emergency; 101
102
103
104

(e) Have installed in and around the premises of the health club security devices to provide for constant monitoring of the health club. 105
106
107

(2) No health club that is open twenty-four hours a day and that does not have staff on duty during all hours of operation shall be larger than six thousand square feet. 108
109
110

(D) An employee is considered to be satisfactorily trained 111
for purposes of division (B) of this section if the employee 112
successfully completes a course in automated external 113
defibrillation, cardiopulmonary resuscitation, and basic first aid 114
that is offered by the American red cross, the American heart 115
association, or an equivalent organization approved by the 116
director of health. 117

(E) No owner, operator, or manager of a health club shall 118
violate division (B) or (C) of this section. 119

Sec. 3701.99. (A) Whoever violates division (C) of section 120
3701.23, division (C) of section 3701.232, division (C) of section 121
3701.24, division (B) of section 3701.25, division (I) of section 122
3701.262, division (D) of section 3701.263, or sections 3701.46 to 123
3701.55 of the Revised Code is guilty of a minor misdemeanor on a 124
first offense; on each subsequent offense, the person is guilty of 125
a misdemeanor of the fourth degree. 126

(B) Whoever violates section 3701.82 of the Revised Code is 127
guilty of a misdemeanor of the first degree. 128

(C) Whoever violates section 3701.352 or 3701.81 of the 129
Revised Code is guilty of a misdemeanor of the second degree. 130

(D) Whoever violates division (E) of section 3701.851 of the 131
Revised Code shall be fined as follows: 132

(1) For a first offense, not more than two hundred fifty 133
dollars; 134

(2) For a second offense, not more than five hundred dollars; 135

(3) For a third or subsequent offense, not more than one 136
thousand dollars. 137

Section 2. That existing sections 2305.235 and 3701.99 of the 138
Revised Code are hereby repealed. 139