

As Introduced

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

S. B. No. 184

Senator Patton

Cosponsor: Senator Schiavoni

—

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

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

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

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

<u>Sec. 3701.851. (A) As used in this section:</u>	51
<u>(1) "Automated external defibrillation" has the same meaning as in section 2305.235 of the Revised Code.</u>	52 53
<u>(2) "Automated external defibrillator" has the same meaning as in section 3313.717 of the Revised Code.</u>	54 55
<u>(3)(a) "Health club" means an establishment that provides, as its primary purpose, services or facilities that are purported to assist patrons in physical exercise, weight control, or figure development. "Health club" includes a fitness center, studio, salon, or club.</u>	56 57 58 59 60
<u>(b) "Health club" does not include any of the following:</u>	61
<u>(i) A hotel or motel that provides physical fitness equipment or activities;</u>	62 63
<u>(ii) An organization solely offering training or facilities for an individual sport;</u>	64 65
<u>(iii) A weight reduction center;</u>	66
<u>(iv) A facility with a primary purpose of providing rehabilitative or physical therapy services.</u>	67 68
<u>(4) "9-1-1 system" has the same meaning as in section 5507.01 of the Revised Code.</u>	69 70
<u>(B)(1) An owner, operator, or manager of a health club, during the hours of operation in which staff are on duty, shall do both of the following:</u>	71 72 73
<u>(a) Have installed on the premises of the health club an automated external defibrillator in a manner that provides obvious and ready accessibility to staff, members, and guests;</u>	74 75 76
<u>(b) Have at least one employee who is satisfactorily trained in the usage of an automated external defibrillator, cardiopulmonary resuscitation, and basic first aid during all</u>	77 78 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 108
109

shall be larger than six thousand square feet. 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