



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 226

128th General Assembly
(As Introduced)

Reps. Heard and Letson, Weddington, Hagan, Ujvagi, Luckie, Winburn, Harwood, Chandler, Stebelton, Domenick, Lehner, Yuko

BILL SUMMARY

- Grants qualified civil and criminal immunity to the owner or employee of a hotel or SRO facility or to any other person for performing automated external defibrillation in good faith at the hotel or facility if the owner places an automated external defibrillator within the hotel or facility, requires at least one employee to successfully complete a course in automated external defibrillation and cardiopulmonary resuscitation, maintains certain records, and complies with other specified conditions.
 - Provides that the above immunity does not apply in case of willful or wanton misconduct or if there is no good faith attempt to activate an emergency medical services system.
 - States that it is not the intent of the General Assembly in enacting the bill to require hotels and SRO facilities to place automated external defibrillators on their premises, but that the intent is to encourage and increase the use of automated external defibrillators in hotels and SRO facilities to promote public safety.
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CONTENT AND OPERATION

Qualified immunity for hotels and SRO facilities for use of automated external defibrillators

The bill provides that subject to the conditions that the owner of a "hotel" or "SRO facility" must comply with as described below in "**Conditions for qualified immunity**," except in the case of willful or wanton misconduct or if there is no good faith attempt to activate an emergency medical services system in accordance with R.C. 3701.85 (see **COMMENT**), no owner or "employee" of a hotel or SRO facility and no

other person may 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 at the hotel or SRO facility, regardless of whether that owner, employee, or other person has successfully completed a course in automated external defibrillation and cardiopulmonary resuscitation (see "**Definitions**," below, for definitions of the terms in quotation marks) (R.C. 3731.25(B)).

Conditions for qualified immunity

The qualified immunity described above applies to any owner or employee of a hotel or SRO facility or to any other person only if the owner of the hotel or facility does all of the following (R.C. 3731.25(C)):

(1) Places at least one "automated external defibrillator" (hereafter AED) (see "**Definitions**," below) within the hotel or SRO facility;

(2) Requires at least one employee to successfully complete a course in automated external defibrillation and cardiopulmonary resuscitation (hereafter "AED and CPR course") that is offered or approved by the American Heart Association or American Red Cross;

(3) Ensures that an employee who has successfully completed the AED and CPR course be present at the hotel or SRO facility for at least one day a week;

(4) Makes the AED and CPR course available to any employee at least once every 12-month period;

(5) At the place within the hotel or SRO facility where the AED is located, posts a record of the name of each employee who has successfully completed the AED and CPR course, the date when that course was successfully completed, and the name of the organization that offered the course;

(6) Informs all of the employees of the location of the AED within the hotel or SRO facility;

(7) Maintains and tests the AED according to the manufacturer's guidelines;

(8) Maintains all of the following records at the hotel or SRO facility: (a) the record described in (5), above, (b) a record of the name of each employee who has successfully completed the AED and CPR course and is present at the hotel or SRO facility for at least one day a week, (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 AED within the hotel or facility, (d) a record of the dates when the AED was maintained or tested as provided

in (7), above, and (e) a record of the dates when the AED was repaired due to any malfunction and the nature of the malfunction.

Definitions

The bill defines the following terms for purposes of its provisions (R.C. 3731.25(A)):

(1) "Automated external defibrillation" means the process of applying a specialized defibrillator to a person in cardiac arrest, allowing the defibrillator to interpret the cardiac rhythm, and, if appropriate, delivering an electrical shock to the heart to allow it to resume effective electrical activity (by reference to R.C. 2305.235, not in the bill).

(2) "Automated external defibrillator" means a specialized defibrillator that is approved for use as a medical device by the United States Food and Drug Administration for performing automated external defibrillation.

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

(4) "Hotel" means a transient hotel, extended stay hotel, or residential hotel. (This definition and the following definitions are by application of the definitions in R.C. 3731.01(A), not in the bill, for purposes of R.C. Chapter 3731. (Hotels Law); the bill's provisions are located in that Chapter.)¹

"Hotel" includes any structure consisting of one or more buildings containing any combination of more than five guestrooms that are each approved by the building code official having jurisdiction and the State Fire Marshal as meeting the requirements for "transient" sleeping rooms or extended stay "temporary residence" "dwelling units," or as having features of such sleeping rooms and dwelling units within the same room, and that structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons, but the structure does not otherwise meet the definition of a "transient hotel" or an "extended stay hotel" as defined in R.C. 3731.01. (See definitions of the terms in quotation marks below.)

"Hotel" does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories.

¹ The Hotels Law does not apply to apartment buildings and other structures in which all of the units are residential premises (R.C. 3731.01(B)).

(a) "Transient hotel" means any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of 30 days or less, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.

(b) "Extended stay hotel" means any structure consisting of one or more buildings, with more than five dwelling units, and to which all of the following apply:

(i) The dwelling units in the structure are specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons.

(ii) The structure is approved pursuant to a valid certificate of occupancy issued by the building official having jurisdiction as having dwelling units that have both of the following types of features: (I) the required dwelling unit features for non-transient residence purposes in accordance with the residential group R-2 use and occupancy classification adopted by the Board of Building Standards pursuant to R.C. 3781.10, or any subsequent classification established by the Board that is substantially similar to that classification, and (II) all of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the Board pursuant to that section, or any subsequent classification established by the Board that is substantially similar to that classification.

(iii) The valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units.

(iv) The structure is approved by the State Fire Marshal for extended stay temporary residence purposes.

(c) "Residential hotel" means any structure or structures consisting of one or more buildings, with more than five dwelling units, that are specifically constructed and approved through a valid certificate of occupancy issued by the building official having jurisdiction, as having both dwelling unit features for non-transient residence purposes and all of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the Board of Building Standards pursuant to R.C. Chapter 3781., and that are kept, used, maintained, advertised, operated as, or held out to the public to be a place where non-transient dwelling units are offered for pay to persons for a minimum stay of more than 30 days.

(d) "Temporary residence" means a dwelling unit accommodation room within a hotel that is used by its occupants but is not used as the permanent or principal residence of its occupants.

(e) "Transient" means not more than 30 days.

(f) "Dwelling unit" means an accommodation room within a hotel that contains independent provisions for living, eating, cooking, sleeping, and sanitation.

(5) "SRO facility" means a facility with more than five sleeping rooms that is kept, used, maintained, advertised, or held out to the public as a place where sleeping rooms are offered on a "single room occupancy (SRO) basis" and that is intended for use as a primary residence for residential guests for a period of more than 30 days.

"SRO facility" does not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories.

"Single room occupancy (SRO) basis" means one occupant per room.

Statement of intent

The bill states that it is not the intent of the General Assembly in enacting R.C. 3731.25 to require hotels and SRO facilities to place automated external defibrillators on their premises, and it is the intent of the General Assembly in enacting that section to encourage and increase the use of automated external defibrillators in hotels and SRO facilities to promote public safety (Section 2(B)).

COMMENT

Under R.C. 3701.85(D), not in the bill, a person who has obtained appropriate training on how to perform automated external defibrillation and has successfully completed a course in cardiopulmonary resuscitation may perform automated external defibrillation, regardless of whether the person is a physician, registered nurse, licensed practical nurse, or emergency medical service provider. If automated external defibrillation is not performed as part of an emergency medical services system or at a hospital as defined in R.C. 3727.01, an emergency medical services system must be activated as soon as possible.

HISTORY

ACTION

DATE

Introduced

06-16-09

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