



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 574

130th General Assembly  
(As Introduced)

Rep. Anielski

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## BILL SUMMARY

- Requires that an automated external defibrillator (AED) be installed on the premises of a health club.
- Requires a health club with staff on duty to employ individuals trained in the use of an AED, cardiopulmonary resuscitation, and first aid.
- Requires a 24-hour health club to implement specified emergency protocols.
- Provides qualified immunity to the owner, occupier, or manager of a facility where automated external defibrillation is performed and modifies existing immunity regarding the use of an AED.

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## CONTENT AND OPERATION

### Automated external defibrillators required in health clubs

An automated external defibrillator (AED) is a specialized defibrillator approved by the federal Food and Drug Administration for applying to a person in cardiac arrest. The bill requires the owner, operator, or manager of a health club to install in the health club an AED that is accessible to staff, members, and guests.

The bill defines "health club" as an establishment that primarily provides services or facilities for exercise, weight control, or figure development. This definition includes fitness centers, studios, solons, and clubs, but does not include hotels or motels that

offer fitness equipment, organizations offering training or facilities for an individual sport, weight reduction centers, or rehabilitative or physical therapy facilities.<sup>1</sup>

### **Employee training requirement**

During all hours in which a health club is staffed, the bill requires the health club to be staffed by at least one employee who has completed a course in automated external defibrillation, cardiopulmonary resuscitation (CPR), and basic first aid offered by the American Red Cross, the American Heart Association, or an organization approved by the Director of Health. The bill clarifies that such an employee may provide services that are in addition to those services related to AED, CPR, and first aid.<sup>2</sup>

For a health club that is open more than eight hours a day, more than five days a week, and is larger than 6,000 square feet, the bill requires the health club to employ more than one employee who has completed the training described above.<sup>3</sup>

### **Emergency protocols required in 24-hour health clubs**

The bill includes other requirements for the owner, operator, or manager of a health club that is open 24 hours a day and is not staffed during all hours of operation. The owner, operator, or manager of such a health club must install signage that explains how to use the AED. The bill also requires the owner, operator, or manager to install in an open and obvious location a panic button to alert emergency medical services and a telephone for the sole purpose of calling 911 during an emergency. The health club premises must meet the applicable requirements for emergency medical service accessibility, and security devices that provide constant monitoring of the health club must be installed in and around the premises.<sup>4</sup>

The bill prohibits a health club that is open 24 hours a day and is not staffed during all hours of operation from being larger than 6,000 square feet.<sup>5</sup>

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<sup>1</sup> R.C. 3701.851(A)(3).

<sup>2</sup> R.C. 3701.851(B) and (D).

<sup>3</sup> R.C. 3701.851(B)(1)(c).

<sup>4</sup> R.C. 3701.851(C)(1).

<sup>5</sup> R.C. 3701.851(C)(2).



## **Violations**

The bill establishes a schedule of fines for violations of its provisions. A first time offender is to be fined not more than \$250, a second time offender is to be fined not more than \$500, and a third time or subsequent offender is to be fined not more than \$1,000.<sup>6</sup>

## **Qualified immunity**

### **Standard of care**

The bill modifies the standard of care that an individual must exercise to receive qualified immunity for actions involving an AED. Current law provides that no person is to be held liable for the following actions:

- (1) Providing training in automated external defibrillation and CPR;
- (2) Performing automated external defibrillation in good faith, as long as there is a good faith attempt to activate an emergency medical services system;
- (3) For a physician, prescribing an AED or providing consultation on the use and maintenance of an AED.

Under current law, an individual does not receive qualified immunity when the individual performs any of these actions with willful or wanton misconduct. The bill additionally provides that qualified immunity does not apply when an individual commits an act or omission that constitutes gross negligence.<sup>7</sup>

### **Owner, occupier, or manager of a facility**

The bill provides that, except in the case of willful or wanton misconduct or gross negligence, a person who owns, occupies, or manages a facility where an AED is located is not to be held liable for civil damages or held criminally liable in the event that a person performs automated external defibrillation in good faith.<sup>8</sup>

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<sup>6</sup> R.C. 3701.99(D).

<sup>7</sup> R.C. 2305.235(A), (B), (C), and (D).

<sup>8</sup> R.C. 2305.235(E).



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## HISTORY

ACTION

DATE

Introduced

05-27-14

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