

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1073

H.P. 808

House of Representatives, March 15, 2011

An Act To Require Defibrillators in All Health Club Gyms

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CASAVANT of Biddeford.
Cosponsored by Senator SULLIVAN of York and
Representatives: BOLDUC of Auburn, GRAHAM of North Yarmouth, ROCHELO of
Biddeford, SANBORN of Gorham, TUTTLE of Sanford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2150-C**, as repealed and replaced by PL 2007, c. 267, §2, is
3 amended to read:

4 **§2150-C. Automated external defibrillators**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Automated external defibrillator" or "AED" means a medical device that
8 combines a heart monitor and a defibrillator approved by the United States Food and
9 Drug Administration that:

10 (1) Is capable of recognizing the presence or absence of ventricular fibrillation or
11 rapid ventricular tachycardia;

12 (2) Is capable of determining, without intervention by an operator, whether
13 defibrillation should be performed on an individual; and

14 (3) Upon determination that defibrillation should be performed, automatically
15 charges and requests delivery of an electrical impulse to an individual's heart.

16 **6. Immunity.** The following persons and entities are immune from civil liability for
17 damages relating to the use, possession or purchase of an AED and arising out of acts or
18 omissions relating to preparing for and responding to suspected sudden cardiac arrest
19 emergencies absent gross negligence or willful or wanton misconduct:

20 A. Any person or entity that acquires an AED;

21 B. Any person or entity that owns, manages or is otherwise responsible for the
22 premises on which an AED is located;

23 C. Any person who retrieves an AED in response to a perceived sudden cardiac
24 arrest emergency;

25 D. Any person who uses, attempts to use or fails to use an AED in response to a
26 perceived sudden cardiac arrest emergency;

27 E. Any physician or other authorized person who issues a prescription for the
28 purchase of an AED;

29 F. Any person or entity that is involved with the design, management or operation of
30 an AED program; and

31 G. Any person or entity that provides instruction in the use of an AED.

32 **7. Health clubs and gymnasiums.** A health club, gymnasium or other place of
33 exercise and health shall place AEDs in occupied buildings and at athletic events. The
34 Department of Public Safety shall provide training in the use and operation of the AED to
35 health club and gymnasium personnel, and to members of the public who choose to
36 receive training on how to perform cardiopulmonary resuscitation and the use of AEDs in
37 order to acquire the skills and confidence to respond to emergencies.

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8. Rules. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill provides that health clubs and gymnasiums and other places of exercise and health must have automated external defibrillators in place, and requires personnel of the health clubs and gymnasiums to be trained in the use of automated external defibrillators.