

Chapter 420 of the Acts of 2006

AN ACT REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATOR DEVICES IN HEALTH CLUBS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 78 of chapter 93 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 1, the words “section seventy-nine to eighty-eight” and inserting in place thereof the following words:- sections 78A to 88.

SECTION 2. Said chapter 93 is hereby further amended by inserting after section 78, as so appearing, the following section:-

Section 78A. A health club shall have on the premises at least 1 AED, as defined in section 12V½ of chapter 112, and shall have in attendance during staffed business hours at least 1 employee or authorized volunteer as an AED provider, as defined in said section 12V½ of said chapter 112.

SECTION 3. Section 86 of said chapter 93, as so appearing, is hereby amended by adding the following paragraph:-

Absent a showing of gross negligence or willful or wanton misconduct, no cause of action against a health club or its employees may arise in connection with the use or non-use of a defibrillator.

SECTION 4. Chapter 112 of the General Laws is hereby amended by striking out section 12V, as so appearing, and inserting in place thereof the following section:-

Section 12V. Any person, whose usual and regular duties do not include the provision of emergency medical care, and who, in good faith, attempts to render emergency care including, but not limited to, cardiopulmonary resuscitation or defibrillation, and does so without compensation, shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from the attempt to render such emergency care.

SECTION 5. Sections 1 and 2 of this act shall not apply to a health club, as

defined by section 78 of chapter 93 of the General Laws, if that health club employs 5 or fewer full-time equivalent employees, until 2 years after the effective date of this act. Sections 1 and 2 of this act shall not apply to a health club, as so defined by said section 78 of said chapter 93, if that health club employs more than 5 full-time equivalent employees, until 1 year after the effective date of this act. For the purposes of this section, the term "full-time equivalent employee" shall equal 40 labor hours per week.

Approved January 3, 2007.