

House Bill 714

By: Representatives Amerson of the 9th and Hembree of the 67th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated,
2 relating to general provisions relating to health, so as to require every health club in this state
3 to have at least one functional automated external defibrillator on site at such facility at all
4 times for use during emergencies; to provide for definitions; to provide for requirements for
5 maintaining and using the defibrillator; to amend Code Section 51-1-29.3 of the Official
6 Code of Georgia Annotated, relating to tort immunity for operators of external defibrillators,
7 so as to provide tort immunity for individuals using a defibrillator at a health club; to provide
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
12 general provisions relating to health, is amended by adding a new Code section to read as
13 follows:

14 "31-1-14.

15 (a) As used in this Code section, the term:

16 (1) 'Automated external defibrillator' means a defibrillator:

17 (A) Is capable of cardiac rhythm analysis;

18 (B) Will charge and be capable of being activated to deliver a countershock after
19 electrically detecting the presence of certain cardiac dysrhythmias; and

20 (C) Is capable of continuously recording cardiac dysrhythmia at the scene with a
21 mechanism for transfer and storage or for printing for review subsequent to use.

22 (2) 'Health club' means any commercial establishment that provides, as its primary
23 purpose, services or facilities for the preservation, maintenance, encouragement, or
24 development of physical fitness or well-being, including, but not limited to, athletic clubs,
25 gyms, and fitness centers. This term shall not include a hotel or motel that provides
26 physical fitness equipment or activities, an organization solely offering training or

27 facilities for an individual sport, or an apartment, condominium, town home, or similar
 28 neighborhood facility.

29 (b) No later than December 31, 2012, every health club in this state shall have at least one
 30 functional automated external defibrillator on site at such facility at all times and easily
 31 accessible during business hours, for use during emergencies.

32 (c) Each health club shall:

33 (1) Ensure that expected users of the automated external defibrillator complete training
 34 in cardiopulmonary resuscitation and automated external defibrillator use through the
 35 American Heart Association or the American Red Cross, or an equivalent nationally
 36 recognized course;

37 (2) Notify the appropriate emergency medical services system of the existence and
 38 location of the automated external defibrillator prior to said automated external
 39 defibrillator being placed in use;

40 (3) Ensure that the automated external defibrillator is maintained and tested according
 41 to the manufacturer's operational guidelines;

42 (4) Ensure that there is involvement of a licensed physician or other person authorized
 43 by the Georgia Composite Medical Board in the facility's automated external defibrillator
 44 program to ensure compliance with requirements for training, notification, and
 45 maintenance; and

46 (5) Ensure that designated personnel activate the emergency medical services system as
 47 soon as reasonably possible after any person renders emergency care or treatment to a
 48 person in cardiac arrest by using an automated external defibrillator and reports any
 49 clinical use of the automated external defibrillator to the licensed physician or other
 50 person authorized by the Georgia Composite Medical Board who is supervising the
 51 program."

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SECTION 2.

54 Code Section 51-1-29.3 of the Official Code of Georgia Annotated, relating to tort immunity
 55 for operators of external defibrillators, is amended by revising subsection (a) as follows:

56 "(a) The persons described in this Code section shall be immune from civil liability for any
 57 act or omission to act related to the provision of emergency care or treatment by the use of
 58 or provision of an automated external defibrillator, as described in Code Sections 31-1-14,
 59 31-11-53.1, and 31-11-53.2, except that such immunity shall not apply to an act of willful
 60 or wanton misconduct and shall not apply to a person acting within the scope of a licensed
 61 profession if such person acts with gross negligence. The immunity provided for in this
 62 Code section shall extend to:

- 63 (1) Any person who gratuitously and in good faith renders emergency care or treatment
64 by the use of or provision of an automated external defibrillator without objection of the
65 person to whom care or treatment is rendered;
- 66 (2) The owner or operator of any premises or conveyance who installs or provides
67 automated external defibrillator equipment in or on such premises or conveyance;
- 68 (3) Any physician or other medical professional who authorizes, directs, or supervises
69 the installation or provision of automated external defibrillator equipment in or on any
70 premises or conveyance other than any medical facility as defined in paragraph (5) of
71 Code Section 31-7-1; and
- 72 (4) Any person who provides training in the use of automated external defibrillator
73 equipment as required by subparagraph (b)(1)(A) of Code Section 31-11-53.2, whether
74 compensated or not. This Code section is not applicable to any training or instructions
75 provided by the manufacturer of the automated external defibrillator or to any claim for
76 failure to warn on the part of the manufacturer."

77 **SECTION 3.**

78 All laws and parts of laws in conflict with this Act are repealed.