

CHAPTER 346

AN ACT concerning the use of defibrillators in health clubs and supplementing P.L.1999, c.34 (C.2A:62A-23 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.2A:62A-30 Findings, declarations relative to use of defibrillators in health clubs.

1. The Legislature finds and declares that:
 - a. According to the American Heart Association, when a person suffers sudden cardiac arrest, the person's chance of survival decreases by 7% to 10% for each minute that passes without defibrillation; and with defibrillation given in the first minute after cardiac arrest, the survival rate can be as high as 90%;
 - b. The greatest risk for cardiac arrest is among men over 45 and women over 55 years of age, as well as among persons who smoke, are overweight or have diabetes;
 - c. Studies have shown that while exercise helps the heart in the long run, the risk of physical activity is not zero and the risk for cardiac arrest may increase during the time that the person is engaging in moderate or vigorous exercise, particularly for those who are sporadic exercisers or have underlying cardiovascular disease;
 - d. The number of Americans who exercise regularly at health clubs has increased steadily in recent years, as has the age of persons who exercise at these clubs; as many as 30 million people now visit health and exercise centers in this country, and it is estimated that about 55% percent of these people are over age 35;
 - e. As the age of persons who use health clubs increases, it is reasonable to assume that the number of members with cardiovascular disease is rising as well;
 - f. In recognition of the increasing risk of cardiac arrest at health clubs and the effectiveness of readily accessible automated external defibrillators in saving lives, it is, therefore, in the best interest of the residents of this State to require health clubs to maintain defibrillators on their premises.

C.2A:62A-31 Requirements for health clubs relative to defibrillators.

2. No later than one year after the effective date of this act:
 - a. The owner or operator of a health club registered with the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1987, c.238 (C.56:8-39 et seq.) shall:
 - (1) acquire at least one automated external defibrillator as defined in section 2 of P.L.1999, c.34 (C.2A:62A-24), and store it in an accessible location within the health club that is known and available to the employees of the health club for the purposes of this act; and
 - (2) ensure that the automated external defibrillator is tested and maintained, and provide notification to the appropriate first aid, ambulance or rescue squad or other appropriate emergency medical services provider regarding the defibrillator, the type acquired and its location, pursuant to section 3 of P.L.1999, c.34 (C.2A:62A-25); and
 - b. The owner or operator of a health club that is subject to the provisions of subsection a. of this section shall:
 - (1) arrange and pay for training in cardio-pulmonary resuscitation and the use of an automated external defibrillator for the employees of that health club in accordance with the provisions of section 3 of P.L.1999, c.34 (C.2A:62A-25);
 - (2) ensure that the health club has at least one employee on site during its normal business hours who is trained in cardio-pulmonary resuscitation and the use of an automated external defibrillator in accordance with the provisions of section 3 of P.L.1999, c.34 (C.2A:62A-25); and
 - (3) ensure that the employees of that health club comply with the provisions of section 4 of P.L.1999, c.34 (C.2A:62A-26) concerning the use of the automated external defibrillator.

C.2A:62A-32 Violations, penalties.

3. A person who violates the provisions of section 2 of this act shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation.

The penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,

c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of section 2 of this act, and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court.

A penalty recovered under the provisions of this section shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

C.2A:62A-33 Immunity from civil, criminal liability.

4. A health club that is subject to the provisions of this act shall be immune from civil or criminal liability resulting from the malfunctioning of an automated external defibrillator that has been maintained and tested by the health club according to the manufacturer's operational guidelines, pursuant to section 3 of P.L.1999, c.34 (C.2A:62A-25), as required in paragraph (2) of subsection a. of section 2 of this act.

The immunity provided in this section shall be in addition to the immunity provided pursuant to section 5 of P.L.1999, c.34 (C.2A:62A-27).

C.2A:62A-34 Rules, regulations.

5. The Commissioner of Health and Senior Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in consultation with the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, shall adopt rules and regulations to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved January 12, 2006.