

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6598

BILL NUMBER: SB 134

NOTE PREPARED: May 1, 2007

BILL AMENDED: Apr 5, 2007

SUBJECT: Automatic External Defibrillators in Health Clubs.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR: Rep. Tyler

BILL STATUS: Enrolled

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill requires that before July 1, 2008 the owner or operator of a health club:

- (1) have a defibrillator available on the health club premises;
- (2) employ at least one individual who is trained to use the defibrillator and administer cardiopulmonary resuscitation;
- (3) have a trained employee on the health club premises during business hours when staff is present at the health club;
- (4) meet certain requirements if staff are not on the premises;
- (5) post a sign indicating the location of the defibrillator; and
- (6) comply with other defibrillator requirements.

It provides that a person who violates the health club defibrillator requirements commits a Class C infraction. It also allows inspection of a health club to determine compliance.

The bill provides certain immunity from liability for acts or omissions involving defibrillators in health clubs.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Rule Making:* The State Department of Health may adopt rules to implement the requirements. However, the costs are expected to be minimal.

Health Club Inspections: The bill authorizes the State Department of Health and the Division of Fire and Building Safety to inspect a health club at any time: (1) according to rules adopting by the State Department

of Health; or (2) in response to a filed complaint alleging noncompliance with the health club defibrillator requirements.

Explanation of State Revenues: *Class C Infraction:* If additional court cases occur due to violation of the requirements to maintain a health club defibrillator, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Health Club Inspections:* The bill authorizes fire departments to inspect health clubs for compliance with the defibrillator requirements.

Explanation of Local Revenues: *Class C Infraction:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: State Department of Health; Division of Fire and Building Safety.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *2004 County Business Patterns Data*, U. S. Census Bureau, <http://www.census.gov>.

Fiscal Analyst: Karen Firestone, 317-234-2106. Jim Landers, 317-232-9869.