



February 9, 2007

SENATE BILL No. 134

DIGEST OF SB 134 (Updated February 7, 2007 4:28 pm - DI 104)

Citations Affected: IC 16-19; IC 24-4; IC 34-30.

Synopsis: Automatic external defibrillators in health clubs. Requires the owner or operator of a health club to: (1) have an automatic external defibrillator available on the health club premises; (2) employ at least one individual who is trained to use the defibrillator; (3) have a trained employee on the health club premises during business hours; and (4) ensure compliance with other defibrillator requirements. Provides that: (1) a person who violates the health club defibrillator requirements commits a Class C infraction; and (2) the state department of health may adopt rules to implement the requirements. Provides certain immunity from liability for acts or omissions involving defibrillators in health clubs.

Effective: July 1, 2007.

Miller

January 8, 2007, read first time and referred to Committee on Health and Provider Services.
February 8, 2007, amended, reported favorably — Do Pass.

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SB 134—LS 6598/DI 110+



February 9, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 134

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-19-3-29 IS ADDED TO THE INDIANA CODE
- 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2007]: **Sec. 29. The state department may adopt rules under**
- 4 **IC 4-22-2 to implement the requirements set forth in IC 24-4-15**
- 5 **concerning automatic external defibrillators in health clubs.**
- 6 SECTION 2. IC 24-4-15 IS ADDED TO THE INDIANA CODE AS
- 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2007]:
- 9 **Chapter 15. Automatic External Defibrillators in Health Clubs**
- 10 **Sec. 1. As used in this chapter, "defibrillator" means an**
- 11 **automatic external defibrillator.**
- 12 **Sec. 2. (a) As used in this chapter, "health club" means an**
- 13 **establishment at which:**
- 14 **(1) an individual, a corporation, a limited liability company,**
- 15 **a partnership, an association, a firm, an educational**
- 16 **institution, or any other business enterprise offers:**
- 17 **(A) instruction, training, or assistance in physical fitness;**

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1 **or**
2 **(B) facilities for the:**
3 **(i) preservation;**
4 **(ii) maintenance;**
5 **(iii) encouragement; or**
6 **(iv) development;**
7 **of physical fitness or well-being; and**
8 **(2) at least thirty (30) pieces of motorized physical fitness**
9 **equipment are provided for use by individuals.**
10 **(b) The term includes the following:**
11 **(1) Health spas and studios.**
12 **(2) Sports centers.**
13 **(3) Weight control studios.**
14 **(4) Gymnasiums and workout centers in schools, colleges,**
15 **universities, hospitals, hotels, and motels.**
16 **Sec. 3. As used in this chapter, "person" means an individual, a**
17 **corporation, a limited liability company, a partnership, an**
18 **association, a firm, or an educational institution.**
19 **Sec. 4. As used in this chapter, "state department" refers to the**
20 **state department of health.**
21 **Sec. 5. An owner or operator of a health club shall do the**
22 **following:**
23 **(1) Ensure that a defibrillator is located on the health club**
24 **premises and is easily accessible to the health club staff,**
25 **members, and guests.**
26 **(2) Employ at least one (1) individual who has satisfactorily**
27 **completed a course approved by the state department in basic**
28 **first aid, cardiopulmonary resuscitation, and defibrillator use.**
29 **(3) Ensure that at least one (1) individual described under**
30 **subdivision (2) is on the health club premises during the**
31 **health club's business hours.**
32 **(4) Ensure compliance with the requirements set forth in**
33 **IC 16-31-6.5.**
34 **Sec. 6. A person is immune from civil liability for acts or**
35 **omissions involving a defibrillator located on the premises of a**
36 **health club under this chapter as provided under IC 34-30-12-1.**
37 **Sec. 7. A person who violates this chapter commits a Class C**
38 **infraction.**
39 **Sec. 8. The state department may adopt rules under IC 4-22-2**
40 **to implement this chapter.**
41 **SECTION 3. IC 34-30-2-96.3 IS ADDED TO THE INDIANA**
42 **CODE AS A NEW SECTION TO READ AS FOLLOWS**

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1 [EFFECTIVE JULY 1, 2007]: **Sec. 96.3. IC 24-4-15-6 (Concerning**
2 **acts or omissions in gratuitously rendering emergency care**
3 **involving the use of automatic external defibrillators in health**
4 **clubs).**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 8, delete "fifty (50) individuals use the services or facilities" and insert "**thirty (30) pieces of motorized physical fitness equipment are provided for use by individuals.**".

Page 2, delete line 9.

and when so amended that said bill do pass.

(Reference is to SB 134 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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