

AMENDED IN SENATE JULY 11, 2005

AMENDED IN SENATE JUNE 20, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1507**

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**Introduced by Assembly Member Pavley  
(Coauthors: Assembly Members Koretz and Vargas)  
(Coauthors: Senators Alquist and Romero)**

February 22, 2005

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An act to add Section 104113 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, as amended, Pavley. Cardiac health: automatic external defibrillators: health studios.

Existing law establishes the State Department of Health Services and sets forth its powers and duties, including, but not limited to, conducting a program for the control of cardiovascular disease.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the State Emergency Medical Services Authority to oversee the local implementation of the emergency medical services system. The EMS act permits each county to establish an EMS program and designate a local EMS service agency (EMS agency). Existing law authorizes the authority to establish minimum standards for the training and use of automatic external defibrillators and requires persons or entities that acquire the defibrillators to comply with maintenance, testing, and training requirements which are scheduled to change commencing January 1, 2008. Existing law, until

January 1, 2008, provides immunity from civil damages for those persons or entities.

This bill, commencing ~~January~~ July 1, 2007, and until July 1, 2012, would require every health studio, *as defined*, to ~~have~~ acquire an automatic external defibrillator, would provide immunity for providing the devices, and would, notwithstanding existing law, establish standards for providing the devices, including, but not limited to, maintenance and staff training regarding proper use.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 104113 is added to the Health and  
2 Safety Code, to read:  
3 104113. (a) (1) Commencing July 1, 2007, every health  
4 studio, ~~as described in Section 1812.81 of the Civil Code, shall~~  
5 ~~acquire, and maintain, and train personnel in the use of, an~~  
6 ~~automatic external defibrillator. as defined in subdivision (g)~~  
7 *shall acquire an automatic external defibrillator. The*  
8 *requirement to acquire an automatic external defibrillator*  
9 *pursuant to this subdivision shall terminate on July 1, 2012.*  
10 (2) *Commencing July 1, 2007, every health studio, as defined*  
11 *in subdivision (g), shall maintain, and train personnel in the use*  
12 *of, any automatic external defibrillator acquired pursuant to*  
13 *paragraph (1).*  
14 (b) An employee of a health studio who renders emergency  
15 care or treatment is not liable for civil damages resulting from the  
16 use, attempted use, or nonuse of an automatic external  
17 defibrillator, except as provided in subdivision (f).  
18 (c) When an employee uses, does not use, or attempts to use,  
19 an automatic external defibrillator consistent with the  
20 requirements of this section to render emergency care or  
21 treatment, the members of the board of directors of the facility  
22 shall not be liable for civil damages resulting from any act or  
23 omission in rendering the emergency care or treatment, including  
24 the use or nonuse of an automatic external defibrillator, except as  
25 provided in subdivision (f).  
26 (d) Except as provided in subdivision (f), when an employee  
27 of a health studio renders emergency care or treatment using an

1 automatic external defibrillator, the owners, managers,  
2 employees, or otherwise responsible authorities of the facility  
3 shall not be liable for civil damages resulting from any act or  
4 omission in the course of rendering that emergency care or  
5 treatment, provided that the facility fully complies with  
6 subdivision (e).

7 (e) Notwithstanding Section 1797.196, in order to ensure  
8 public safety, a health studio shall do all of the following:

9 (1) Comply with all regulations governing the placement of an  
10 automatic external defibrillator.

11 (2) Ensure all of the following:

12 (A) The automatic external defibrillator is maintained and  
13 regularly tested according to the operation and maintenance  
14 guidelines set forth by the manufacturer, the American Heart  
15 Association, ~~and~~ or the American Red Cross, and according to  
16 any applicable rules and regulations set forth by the  
17 governmental authority under the federal Food and Drug  
18 Administration and any other applicable state and federal  
19 authority.

20 (B) The automatic external defibrillator is checked for  
21 readiness after each use and at least once every 30 days if the  
22 automatic external defibrillator has not been used in the  
23 preceding 30 days. Records of these checks shall be maintained.

24 (C) Any person who renders emergency care or treatment on a  
25 person in cardiac arrest by using an automatic external  
26 defibrillator activates the emergency medical services system as  
27 soon as possible, and reports any use of the automatic external  
28 defibrillator to the licensed physician and to the local EMS  
29 agency.

30 (D) For every automatic external defibrillator unit acquired, up  
31 to five units, no less than one employee per automatic external  
32 defibrillator unit shall complete a training course in  
33 cardiopulmonary resuscitation and automatic external  
34 defibrillator use that complies with the regulations adopted by the  
35 Emergency Medical Services Authority and the standards of the  
36 American Heart Association or the American Red Cross. After  
37 the first five automatic external defibrillator units are acquired,  
38 for each additional five automatic external defibrillator units  
39 acquired, a minimum of one employee shall be trained beginning  
40 with the first additional automatic external defibrillator unit

1 acquired. Acquirers of automatic external defibrillator units shall  
 2 have trained employees who ~~are~~ *shall be* available to respond to  
 3 an emergency that may involve the use of an automatic external  
 4 defibrillator unit during normal operating hours. Acquirers of  
 5 automatic external defibrillator units may need to ~~retain~~ *train*  
 6 additional employees to assure that a trained employee is  
 7 available at all times.

8 (E) There is a written plan that exists that describes the  
 9 procedures to be followed in the event of an emergency that may  
 10 involve the use of an automatic external defibrillator, to ensure  
 11 compliance with the requirements of this section. The written  
 12 plan shall include, but not be limited to, immediate notification  
 13 of 911 and trained office personnel at the start of automatic  
 14 external defibrillator procedures.

15 (f) Subdivisions (b), (c), and (d) do not apply in the case of  
 16 personal injury or wrongful death that results from gross  
 17 negligence or willful or wanton misconduct on the part of the  
 18 person who uses ~~or~~, attempts to use, *or maliciously fails to use* an  
 19 automatic external defibrillator to render emergency care or  
 20 treatment.

21 (g) *For purposes of this section, “health studio” means any*  
 22 *facility permitting the use of its facilities and equipment or*  
 23 *access to its facilities and equipment, to individuals or groups for*  
 24 *physical exercise, body building, reducing, figure development,*  
 25 *fitness training, or any other similar purpose, on a membership*  
 26 *basis. “Health studio” does not include any hotel or similar*  
 27 *business that offers fitness facilities to its registered guests for a*  
 28 *fee or as part of the hotel charges.*