



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1073

H.P. 808

House of Representatives, March 15, 2011

### An Act To Require Defibrillators in All Health Club Gyms

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CASAVANT of Biddeford.  
Cosponsored by Senator SULLIVAN of York and  
Representatives: BOLDUC of Auburn, GRAHAM of North Yarmouth, ROCHELO of  
Biddeford, SANBORN of Gorham, TUTTLE of Sanford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2150-C**, as repealed and replaced by PL 2007, c. 267, §2, is  
3 amended to read:

4 **§2150-C. Automated external defibrillators**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
6 following terms have the following meanings.

7 A. "Automated external defibrillator" or "AED" means a medical device that  
8 combines a heart monitor and a defibrillator approved by the United States Food and  
9 Drug Administration that:

10 (1) Is capable of recognizing the presence or absence of ventricular fibrillation or  
11 rapid ventricular tachycardia;

12 (2) Is capable of determining, without intervention by an operator, whether  
13 defibrillation should be performed on an individual; and

14 (3) Upon determination that defibrillation should be performed, automatically  
15 charges and requests delivery of an electrical impulse to an individual's heart.

16 **6. Immunity.** The following persons and entities are immune from civil liability for  
17 damages relating to the use, possession or purchase of an AED and arising out of acts or  
18 omissions relating to preparing for and responding to suspected sudden cardiac arrest  
19 emergencies absent gross negligence or willful or wanton misconduct:

20 A. Any person or entity that acquires an AED;

21 B. Any person or entity that owns, manages or is otherwise responsible for the  
22 premises on which an AED is located;

23 C. Any person who retrieves an AED in response to a perceived sudden cardiac  
24 arrest emergency;

25 D. Any person who uses, attempts to use or fails to use an AED in response to a  
26 perceived sudden cardiac arrest emergency;

27 E. Any physician or other authorized person who issues a prescription for the  
28 purchase of an AED;

29 F. Any person or entity that is involved with the design, management or operation of  
30 an AED program; and

31 G. Any person or entity that provides instruction in the use of an AED.

32 **7. Health clubs and gymnasiums.** A health club, gymnasium or other place of  
33 exercise and health shall place AEDs in occupied buildings and at athletic events. The  
34 Department of Public Safety shall provide training in the use and operation of the AED to  
35 health club and gymnasium personnel, and to members of the public who choose to  
36 receive training on how to perform cardiopulmonary resuscitation and the use of AEDs in  
37 order to acquire the skills and confidence to respond to emergencies.

