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P.L. 2005, CHAPTER 346, *approved January 12, 2006*
Senate, No. 2567 (*First Reprint*)

1 **AN ACT** concerning the use of defibrillators in health clubs and
2 supplementing P.L.1999, c.34 (C.2A:62A-23 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. The Legislature finds and declares that:

8 a. According to the American Heart Association, when a person
9 suffers sudden cardiac arrest, the person's chance of survival decreases
10 by 7% to 10% for each minute that passes without defibrillation; and
11 with defibrillation given in the first minute after cardiac arrest, the
12 survival rate can be as high as 90%;

13 b. The greatest risk for cardiac arrest is among men over 45 and
14 women over 55 years of age, as well as among persons who smoke,
15 are overweight or have diabetes;

16 c. Studies have shown that while exercise helps the heart in the
17 long run, the risk of physical activity is not zero and the risk for
18 cardiac arrest may increase during the time that the person is engaging
19 in moderate or vigorous exercise, particularly for those who are
20 sporadic exercisers or have underlying cardiovascular disease;

21 d. The number of Americans who exercise regularly at health clubs
22 has increased steadily in recent years, as has the age of persons who
23 exercise at these clubs; as many as 30 million people now visit health
24 and exercise centers in this country, and it is estimated that about 55%
25 percent of these people are over age 35;

26 e. As the age of persons who use health clubs increases, it is
27 reasonable to assume that the number of members with cardiovascular
28 disease is rising as well;

29 f. In recognition of the increasing risk of cardiac arrest at health
30 clubs and the effectiveness of readily accessible automated external
31 defibrillators in saving lives, it is, therefore, in the best interest of the
32 residents of this State to require health clubs to maintain defibrillators
33 on their premises.
34

35 2. No later than one year after the effective date of this act:

36 a. The owner or operator of a health club registered with the
37 Director of the Division of Consumer Affairs in the Department of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted June 9, 2005.

1 Law and Public Safety pursuant to P.L.1987, c.238 (C.56:8-39 et seq.)
2 shall:

3 (1) acquire at least one automated external defibrillator as defined
4 in section 2 of P.L.1999, c.34 (C.2A:62A-24), and store it in ¹[a
5 central] an accessible¹ location within the health club that is known
6 and available to the employees of the health club for the purposes of
7 this act; and

8 (2) ensure that the automated external defibrillator is tested and
9 maintained, and provide notification to the appropriate first aid,
10 ambulance or rescue squad or other appropriate emergency medical
11 services provider regarding the defibrillator, the type acquired and its
12 location, pursuant to section 3 of P.L.1999, c.34 (C.2A:62A-25); and

13 b. The owner or operator of a health club that is subject to the
14 provisions of subsection a. of this section shall:

15 (1) arrange and pay for training in cardio-pulmonary resuscitation
16 and the use of an automated external defibrillator for the employees of
17 that health club in accordance with the provisions of section 3 of
18 P.L.1999, c.34 (C.2A:62A-25);

19 (2) ensure that the health club has at least one employee on site
20 during its normal business hours who is trained in cardio-pulmonary
21 resuscitation and the use of an automated external defibrillator in
22 accordance with the provisions of section 3 of P.L.1999, c.34
23 (C.2A:62A-25); and

24 (3) ensure that the employees of that health club comply with the
25 provisions of section 4 of P.L.1999, c.34 (C.2A:62A-26) concerning
26 the use of the automated external defibrillator.

27

28 3. A person who violates the provisions of section 2 of this act
29 shall be liable to a civil penalty of not less than \$250 for the first
30 violation, not less than \$500 for the second violation, and not less than
31 \$1,000 for the third and each subsequent violation.

32 The penalty shall be collected pursuant to the "Penalty Enforcement
33 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
34 proceeding before the municipal court having jurisdiction. An official
35 authorized by statute or ordinance to enforce the State or local health
36 codes or a law enforcement officer having enforcement authority in
37 that municipality may issue a summons for a violation of the provisions
38 of section 2 of this act, and may serve and execute all process with
39 respect to the enforcement of this section consistent with the Rules of
40 Court.

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

45

46 4. A health club that is subject to the provisions of this act shall be

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

7 ¹The immunity provided in this section shall be in addition to the
8 immunity provided pursuant to section 5 of P.L.1999, c.34
9 (C.2A:62A-27).¹

10

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

16

17 6. This act shall take effect immediately.

18

19

20

21

22 Requires health clubs to have defibrillator on site and employees
23 trained to use defibrillator.

SENATE, No. 2567

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MAY 19, 2005

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator FRED MADDEN

District 4 (Camden and Gloucester)

SYNOPSIS

Requires health clubs to have defibrillator on site and employees trained to use defibrillator.

CURRENT VERSION OF TEXT

As introduced.



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

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. The Legislature finds and declares that:

8 a. According to the American Heart Association, when a person
9 suffers sudden cardiac arrest, the person's chance of survival decreases
10 by 7% to 10% for each minute that passes without defibrillation; and
11 with defibrillation given in the first minute after cardiac arrest, the
12 survival rate can be as high as 90%;

13 b. The greatest risk for cardiac arrest is among men over 45 and
14 women over 55 years of age, as well as among persons who smoke,
15 are overweight or have diabetes;

16 c. Studies have shown that while exercise helps the heart in the
17 long run, the risk of physical activity is not zero and the risk for
18 cardiac arrest may increase during the time that the person is engaging
19 in moderate or vigorous exercise, particularly for those who are
20 sporadic exercisers or have underlying cardiovascular disease;

21 d. The number of Americans who exercise regularly at health clubs
22 has increased steadily in recent years, as has the age of persons who
23 exercise at these clubs; as many as 30 million people now visit health
24 and exercise centers in this country, and it is estimated that about 55%
25 percent of these people are over age 35;

26 e. As the age of persons who use health clubs increases, it is
27 reasonable to assume that the number of members with cardiovascular
28 disease is rising as well;

29 f. In recognition of the increasing risk of cardiac arrest at health
30 clubs and the effectiveness of readily accessible automated external
31 defibrillators in saving lives, it is, therefore, in the best interest of the
32 residents of this State to require health clubs to maintain defibrillators
33 on their premises.

34
35 2. No later than one year after the effective date of this act:

36 a. The owner or operator of a health club registered with the
37 Director of the Division of Consumer Affairs in the Department of
38 Law and Public Safety pursuant to P.L.1987, c.238 (C.56:8-39 et seq.)
39 shall:

40 (1) acquire at least one automated external defibrillator as defined
41 in section 2 of P.L.1999, c.34 (C.2A:62A-24), and store it in a central
42 location within the health club that is known and available to the
43 employees of the health club for the purposes of this act; and

44 (2) ensure that the automated external defibrillator is tested and
45 maintained, and provide notification to the appropriate first aid,
46 ambulance or rescue squad or other appropriate emergency medical

1 services provider regarding the defibrillator, the type acquired and its
2 location, pursuant to section 3 of P.L.1999, c.34 (C.2A:62A-25); and

3 b. The owner or operator of a health club that is subject to the
4 provisions of subsection a. of this section shall:

5 (1) arrange and pay for training in cardio-pulmonary resuscitation
6 and the use of an automated external defibrillator for the employees of
7 that health club in accordance with the provisions of section 3 of
8 P.L.1999, c.34 (C.2A:62A-25);

9 (2) ensure that the health club has at least one employee on site
10 during its normal business hours who is trained in cardio-pulmonary
11 resuscitation and the use of an automated external defibrillator in
12 accordance with the provisions of section 3 of P.L.1999, c.34
13 (C.2A:62A-25); and

14 (3) ensure that the employees of that health club comply with the
15 provisions of section 4 of P.L.1999, c.34 (C.2A:62A-26) concerning
16 the use of the automated external defibrillator.

17

18 3. A person who violates the provisions of section 2 of this act
19 shall be liable to a civil penalty of not less than \$250 for the first
20 violation, not less than \$500 for the second violation, and not less than
21 \$1,000 for the third and each subsequent violation.

22 The penalty shall be collected pursuant to the "Penalty Enforcement
23 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
24 proceeding before the municipal court having jurisdiction. An official
25 authorized by statute or ordinance to enforce the State or local health
26 codes or a law enforcement officer having enforcement authority in
27 that municipality may issue a summons for a violation of the provisions
28 of section 2 of this act, and may serve and execute all process with
29 respect to the enforcement of this section consistent with the Rules of
30 Court.

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

35

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

43

44 5. The Commissioner of Health and Senior Services, pursuant to
45 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.), and in consultation with the Director of the Division of

1 Consumer Affairs in the Department of Law and Public Safety, shall
2 adopt rules and regulations to effectuate the purposes of this act.

3
4 6. This act shall take effect immediately.

5
6
7 STATEMENT

8
9 This bill requires registered health clubs in New Jersey to have an
10 automated external defibrillator (AED) on site and employees trained
11 in its use, no later than one year after the effective date of the bill.

12 A registered health club subject to the provisions of this bill is "an
13 establishment which devotes or will devote 40% or more of its square
14 footage to providing services or facilities for the preservation,
15 maintenance, encouragement or development of physical fitness or
16 physical well-being." This definition applies to any establishment that
17 is designated as a "reducing salon," "health spa," "spa," "exercise
18 gym," "health studio," "health club," or by other terms of similar
19 import.

20 Specifically, the bill provides that the owner or operator of a
21 registered health club is required to:

22 C acquire at least one AED as defined in N.J.S.A.2A:62A-24, and
23 store it in a central location within the health club that is known and
24 available to the employees of the health club;

25 C ensure that the AED is tested and maintained, and provide
26 notification to the appropriate first aid, ambulance or rescue squad
27 or other appropriate emergency medical services provider regarding
28 the defibrillator, the type acquired and its location pursuant to
29 N.J.S.A.2A:62A-25;

30 C arrange and pay for training in cardio-pulmonary resuscitation and
31 the use of an AED for the employees of the health club in
32 accordance with the provisions of N.J.S.A.2A:62A-25;

33 C ensure that the health club has at least one employee on site during
34 its normal business hours who is trained in cardio-pulmonary
35 resuscitation and the use of an AED in accordance with the
36 provisions of N.J.S.A.2A:62A-25; and

37 C ensure that the health club employees comply with the provisions
38 of N.J.S.A.2A:62A-26 concerning the use of the AED.

39 A person who violates the provisions of this bill is liable to a civil
40 penalty of at least \$250 for a first violation, \$500 for a second
41 violation, and \$1,000 for a third or subsequent violation, to be
42 collected pursuant to the "Penalty Enforcement Law of 1999." A
43 penalty recovered under the provisions of the bill is to be recovered by
44 and in the name of the State by the local health agency, and be paid
45 into the treasury of the municipality in which the violation occurred for
46 the general uses of the municipality.

1 The bill provides a health club with immunity against liability
2 resulting from the malfunctioning of an AED that has been maintained
3 and tested by the health club, according to the manufacturer's
4 operational guidelines, as required in the bill.

5 The requirements of this bill are in accordance with the purposes of
6 N.J.S.A.2A:62A-23 et seq., which was enacted to encourage greater
7 acquisition, deployment and use of AEDs by trained users of the
8 devices throughout the State by protecting the users and their
9 employers from civil liability for any personal injury resulting from
10 their use of those AEDs.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2567

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2567.

As amended by committee, this bill requires registered health clubs in New Jersey to have an automated external defibrillator (AED) on site and employees trained in its use, no later than one year after the effective date of the bill.

A registered health club subject to the provisions of this bill is "an establishment which devotes or will devote 40% or more of its square footage to providing services or facilities for the preservation, maintenance, encouragement or development of physical fitness or physical well-being." This definition applies to any establishment that is designated as a "reducing salon," "health spa," "spa," "exercise gym," "health studio," "health club," or by other terms of similar import.

Specifically, the bill provides that the owner or operator of a registered health club is required to:

- C acquire at least one AED as defined in N.J.S.A.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;
- C ensure that the AED 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 N.J.S.A.2A:62A-25;
- C arrange and pay for training in cardio-pulmonary resuscitation and the use of an AED for the employees of the health club in accordance with the provisions of N.J.S.A.2A:62A-25;
- C 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 AED in accordance with the provisions of N.J.S.A.2A:62A-25; and
- C ensure that the health club employees comply with the provisions

of N.J.S.A.2A:62A-26 concerning the use of the AED.

A person who violates the provisions of this bill is liable to a civil penalty of at least \$250 for a first violation, \$500 for a second violation, and \$1,000 for a third or subsequent violation, to be collected pursuant to the "Penalty Enforcement Law of 1999." A penalty recovered under the provisions of the bill is to be recovered by and in the name of the State by the local health agency, and be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

The bill provides a health club with immunity against liability resulting from the malfunctioning of an AED that has been maintained and tested by the health club, according to the manufacturer's operational guidelines, as required in the bill. The bill also provides that the immunity provided in N.J.S.A.2A:62A-27 (concerning acquisition, deployment and use of an AED) shall apply to the use of a defibrillator in a health club.

The requirements of this bill are in accordance with the purposes of N.J.S.A.2A:62A-23 et seq., which was enacted to encourage greater acquisition, deployment and use of AEDs by trained users of the devices throughout the State by protecting the users and their employers from civil liability for any personal injury resulting from their use of those AEDs.

The committee amended the bill:

-- to provide that the AED be stored in an accessible, rather than central, location in the health club; and

-- to clarify that the immunity provided in the bill shall be in addition to the immunity provided pursuant to N.J.S.A.2A:62A-27.

ASSEMBLY, No. 1561

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Co-Sponsored by:

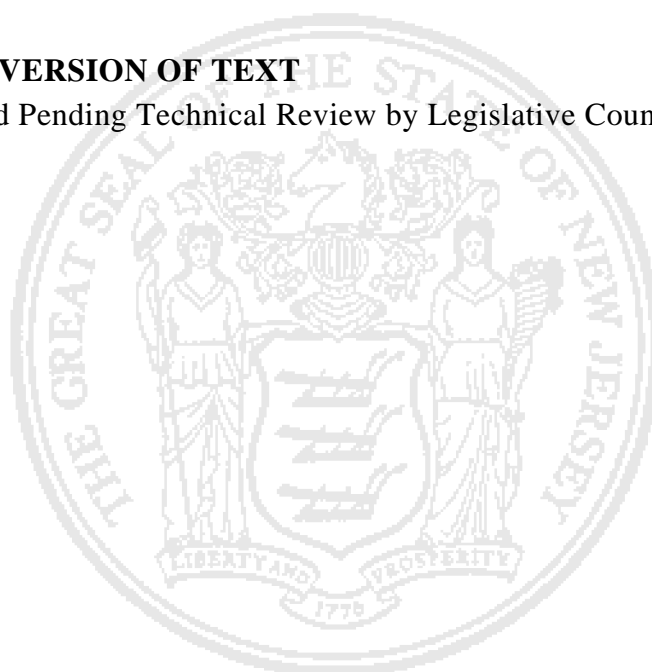
Assemblywomen Greenstein, Cruz-Perez, Assemblymen Greenwald and Mayer

SYNOPSIS

Requires health clubs to have defibrillator on site and employees trained to use defibrillator.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/14/2005)

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

3

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

6

7 1. No later than one year after the effective date of this act:

8 a. The owner or operator of each health club that is registered with
9 the Director of the Division of Consumer Affairs in the Department of
10 Law and Public Safety pursuant to P.L.1987, c.238 (C.56:8-39 et seq.)
11 shall:

12 (1) acquire at least one defibrillator as defined in section 2 of
13 P.L.1999, c.34 (C.2A:62A-24), which the owner or operator shall
14 maintain in a central location within the health club that the owner or
15 operator shall make known and available to the employees of the
16 health club for the purposes of this act; and

17 (2) ensure that the defibrillator is tested and maintained, and
18 provide notification to the appropriate first aid, ambulance or rescue
19 squad or other appropriate emergency medical services provider
20 regarding the defibrillator, the type acquired and its location, pursuant
21 to section 3 of P.L.1999, c.34 (C.2A:62A-25); and

22 b. The owner or operator of a health club that is subject to the
23 provisions of subsection a. of this section shall:

24 (1) arrange and pay for training in cardio pulmonary resuscitation
25 and the use of a defibrillator for the employees of that health club in
26 accordance with the provisions of section 3 of P.L.1999, c.34
27 (C.2A:62A-25);

28 (2) ensure that the health club has at least one employee on site
29 during its normal business hours who is trained in cardio-pulmonary
30 resuscitation and the use of a defibrillator in accordance with the
31 provisions of section 3 of P.L.1999, c.34 (C.2A:62A-25); and

32 (3) ensure that the employees of that health club comply with the
33 provisions of section 4 of P.L.1999, c.34 (C.2A:62A-26) concerning
34 the use of the defibrillator.

35

36 2. A person who violates the provisions of section 1 of this act
37 shall be liable to a civil penalty of not less than \$250 for the first
38 violation, not less than \$500 for the second violation, and not less than
39 \$1,000 for the third and each subsequent violation.

40 The civil penalty shall be collected pursuant to the "Penalty
41 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in
42 a summary proceeding before the municipal court having jurisdiction.
43 An official authorized by statute or ordinance to enforce the State or
44 local health codes or a law enforcement officer having enforcement

1 authority in that municipality may issue a summons for a violation of
2 the provisions of section 1 of this act, and may serve and execute all
3 process with respect to the enforcement of this section consistent with
4 the Rules of Court.

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

9
10 3. A health club that is subject to the provisions of this act shall be
11 immune from civil or criminal liability resulting from the
12 malfunctioning of a defibrillator that has been maintained and tested
13 by the health club according to the manufacturer's operational
14 guidelines, pursuant to section 3 of P.L.1999, c.34 (C.2A:62A-25), as
15 required in paragraph (2) of subsection a. of section 1 of this act.

16
17 4. The Commissioner of Health and Senior Services, pursuant to
18 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
19 seq.), and in consultation with the Director of the Division of
20 Consumer Affairs in the Department of Law and Public Safety, shall
21 adopt rules and regulations to effectuate the purposes of this act.

22
23 5. This act shall take effect immediately.

24
25
26 STATEMENT

27
28 This bill requires health clubs in New Jersey to have a cardiac
29 defibrillator on site and employees trained in its use.

30 Specifically, the bill provides that, no later than one year after its
31 effective date, the owner or operator of each registered health club is
32 required to:

- 33 * acquire at least one defibrillator as defined in N.J.S.A.2A:62A-24,
34 which the owner or operator is to maintain in a central location
35 within the health club that the owner or operator must make known
36 and available to the health club employees for the purposes of this
37 bill;
- 38 * ensure that the defibrillator is tested and maintained, and provide
39 notification to the appropriate first aid, ambulance or rescue squad
40 or other appropriate emergency medical services provider regarding
41 the defibrillator, the type acquired and its location pursuant to
42 N.J.S.A.2A:62A-25;
- 43 * arrange and pay for training in cardio-pulmonary resuscitation and
44 the use of a defibrillator for the employees of the health club in
45 accordance with the provisions of N.J.S.A.2A:62A-25;
- 46 * ensure that the health club has at least one employee on site during

1 its normal business hours who is trained in cardio-pulmonary
2 resuscitation and the use of a defibrillator in accordance with the
3 provisions of N.J.S.A.2A:62A-25; and

4 * ensure that the health club employees comply with the provisions
5 of N.J.S.A.2A:62A-26 concerning the use of the defibrillator.

6 A person who violates the provisions of this bill is liable to a civil
7 penalty of at least \$250 for a first violation, \$500 for a second
8 violation, and \$1,000 for a third or subsequent violation, to be
9 collected pursuant to the "Penalty Enforcement Law of 1999." A
10 penalty recovered under the provisions of this bill is to be recovered
11 by and in the name of the State by the local health agency, and be paid
12 into the treasury of the municipality in which the violation occurred for
13 the general uses of the municipality.

14 The bill provides a health club with immunity against liability
15 resulting from the malfunctioning of a defibrillator that has been
16 maintained and tested by the health club, according to the
17 manufacturer's operational guidelines, as required in the bill.

18 A health club that would be subject to the provisions of this bill is
19 defined in N.J.S.A.56:8-39 as "an establishment which devotes or will
20 devote 40% or more of its square footage to providing services or
21 facilities for the preservation, maintenance, encouragement or
22 development of physical fitness or physical well-being." This
23 definition applies to any establishment that is designated as a "reducing
24 salon," "health spa," "spa," "exercise gym," "health studio," "health
25 club," or "by other terms of similar import."

26 The bill is a follow-up to the enactment of N.J.S.A.2A:62A-23 et
27 seq., which was intended to encourage greater acquisition, deployment
28 and use of automated external defibrillators by trained users of the
29 devices throughout New Jersey by protecting the users and their
30 employers from civil liability for any personal injury resulting from
31 their use of those defibrillators.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1561

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2005

The Assembly Health and Human Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1561.

This committee substitute requires registered health clubs in New Jersey to have an automated external defibrillator (AED) on site and employees trained in its use, no later than one year after its effective date.

A registered health club subject to the provisions of this substitute is "an establishment which devotes or will devote 40% or more of its square footage to providing services or facilities for the preservation, maintenance, encouragement or development of physical fitness or physical well-being." This definition applies to any establishment that is designated as a "reducing salon," "health spa," "spa," "exercise gym," "health studio," "health club," or by other terms of similar import. The provisions of this substitute would not apply to an exercise facility that is operated by a hotel exclusively for its guests and is not open to the general public.

Specifically, the substitute provides that the owner or operator of a registered health club is required to:

- C acquire at least one AED as defined in N.J.S.A.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;
- C ensure that the AED 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 N.J.S.A.2A:62A-25;
- C arrange and pay for training in cardio-pulmonary resuscitation and the use of an AED for the employees of the health club in accordance with the provisions of N.J.S.A.2A:62A-25;
- C 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 AED in accordance with the provisions of N.J.S.A.2A:62A-25; and
- C ensure that the health club employees comply with the provisions of N.J.S.A.2A:62A-26 concerning the use of the AED.

A person who violates the provisions of this substitute is liable to a civil penalty of at least \$250 for a first violation, \$500 for a second violation, and \$1,000 for a third and subsequent violation, to be collected pursuant to the "Penalty Enforcement Law of 1999." A penalty recovered under the provisions of the substitute is to be recovered by and in the name of the State by the local health agency, and be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

The substitute provides a health club with immunity against liability resulting from the malfunctioning of an AED that has been maintained and tested by the health club, according to the manufacturer's operational guidelines. The substitute also provides that the immunity provided in N.J.S.A.2A:62A-27 (concerning acquisition, deployment and use of an AED) is to apply to the use of a defibrillator in a health club.

The requirements of this substitute are in accordance with the purposes of N.J.S.A.2A:62A-23 et seq., which was enacted to encourage greater acquisition, deployment and use of AEDs by trained users of the devices throughout the State by protecting the users and their employers from civil liability for any personal injury resulting from their use of those AEDs.

The substitute is identical to Senate Bill No. 2567 (1R) (Vitale/Madden), which is currently pending before the Senate.