

**HOUSE . . . . . No. 1311**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sean Garballey***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring automatic external defibrillator devices in health clubs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/14/2015</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>9/17/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>9/17/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>9/17/2019</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>9/17/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>9/17/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>9/17/2019</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>9/17/2019</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>	<i>9/17/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/3/2015</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>9/17/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>9/17/2019</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>9/17/2019</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>9/17/2019</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>9/17/2019</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>9/17/2019</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>9/17/2019</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>9/17/2019</i>

<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>9/17/2019</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>9/17/2019</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>9/17/2019</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>9/17/2019</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>9/17/2019</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>9/17/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>9/17/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>9/17/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>9/17/2019</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>9/17/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>9/17/2019</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>9/17/2019</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>9/17/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>9/17/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>9/17/2019</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>9/17/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>9/17/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>9/17/2019</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>9/17/2019</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>9/17/2019</i>

**HOUSE . . . . . No. 1311**

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1311) of Sean Garballey and others relative to health clubs and the use and deployment of defibrillators. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act requiring automatic external defibrillator devices in health clubs.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 78 of chapter 93 of the General Laws, as appearing in the 2004  
2 Official Edition, is hereby amended by striking out, in line 1, the words “section seventy-nine to  
3 eighty-eight” and inserting in place thereof the following words:- sections 78A to 88.

4 SECTION 2. Said chapter 93 is hereby further amended by inserting after section 78, as  
5 so appearing, the following section:-

6 Section 78A. A health club shall have on the premises at least 1 AED, as defined in  
7 section 12V½ of chapter 112, and shall have in attendance during staffed business hours at least  
8 1 employee or authorized volunteer as an AED provider, as defined in said section 12V½ of said  
9 chapter 112.

10 Section 78B. A health club shall have a written emergency response policies and  
11 procedures, which shall be reviewed regularly and rehearsed. The written plan should be publicly  
12 available to all health club members.

13           Section 78C

14           The location of each AED shall have the following characteristics: secure and easily  
15 accessible; well marked, publicized, and known among trained staff; and near a communication  
16 line (telephone, radio, etc.) that may be used to contact backup, security, EMS, or 911.

17           SECTION 3. Section 86 of said chapter 93, as so appearing, is hereby amended by adding  
18 the following paragraph:-

19           Absent a showing of gross negligence or willful or wanton misconduct, no cause of  
20 action against a health club or its employees may arise in connection with the use or non-use of a  
21 defibrillator.

22           SECTION 4. Chapter 112 of the General Laws is hereby amended by striking out section  
23 12V, as so appearing, and inserting in place thereof the following section:-

24           Section 12V. Any person, whose usual and regular duties do not include the provision of  
25 emergency medical care, and who, in good faith, attempts to render emergency care including,  
26 but not limited to, cardiopulmonary resuscitation or defibrillation, and does so without  
27 compensation, shall not be liable for acts or omissions, other than gross negligence or willful or  
28 wanton misconduct, resulting from the attempt to render such emergency care.

29           SECTION 5. Sections 1 and 2 of this act shall not apply to a health club, as defined by  
30 section 78 of chapter 93 of the General Laws, if that health club employs 5 or fewer full-time  
31 equivalent employees, until 2 years after the effective date of this act. Sections 1 and 2 of this act  
32 shall not apply to a health club, as so defined by said section 78 of said chapter 93, if that health  
33 club employs more than 5 full-time equivalent employees, until 1 year after the effective date of

34 this act. For the purposes of this section, the term “full-time equivalent employee” shall equal 40  
35 labor hours per week.