Bill No. 22-04
Concerning: Health – Fitness Centers - Defibrillators
Revised: 11-16-04 Draft No. 3
Introduced: July 13, 2004
Enacted: November 16, 2004
Executive:
Effective: [January] July 1, 2005
Sunset Date: None
Ch. _____, Laws of Mont. Co. ________

COUNTY COUNCIL

FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner

AN ACT to:
(1) require certain commercial fitness centers to have an Automated External Defibrillator available on the premises under certain circumstances; and
(2) generally amend the law regarding the protection of users of certain fitness centers.

By adding
Montgomery County Code
Chapter 24, Health
Section 24-11A

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Chapter 24 is amended by adding Section 24-11A:

24-11A. Fitness Centers – Defibrillators.

(a) In this Section the following terms have the following meanings:

(1) *Automated External Defibrillator* means a portable electronic device that provides an electric shock to the heart in order to reestablish normal contraction rhythms in a heart having dangerous arrhythmia or that is in cardiac arrest.

(2) *Business* includes a for-profit or non-profit organization.

(3) *Commercial fitness center* means a *business* where members, clients, or customers engage in *exercise* indoors.

(4) *Department* means the Department of Health and Human Services.

[[(5)]]*Exercise* means an activity that requires strenuous physical exertion, either to develop and maintain fitness or to compete in a sport. *Exercise* includes weight lifting, cardio-fitness training, aerobic fitness training, yoga, pilates, jazzercise, circuit training, spinning, and stepping. *Exercise* also includes playing basketball, volleyball, soccer, ice hockey, tennis, racquetball, squash, and any similar indoor sport.

(b) Every *commercial fitness center* must have available at all times when the center is open at least one *Automated External Defibrillator* in good working order and at least one staff member who is trained in its use. This requirement does not apply to any *fitness center* where not more than 3 persons are employed. As used in this subsection only, “employed” means that a person regularly works more than 20 hours per week.

(c) (1) This Section is not intended to impose any civil liability, or
relieve any person from civil liability, regarding the presence or
use of, or failure to use, any Automated External Defibrillator,
except as expressly provided in paragraph (2).

(2) A commercial fitness center, or any employee of a center, is
not liable in connection with the use or nonuse of an Automated
External Defibrillator, unless:

(A) the center has not made an Automated External
Defibrillator available as this Section requires; or

(B) an employee of a center has acted with gross negligence
or engaged in willful or wanton misconduct.

(d) Any violation of this Section is a class C civil violation. The County
Attorney or any affected person may file an action in a court with
jurisdiction to enjoin repeated violations of this Section.

(e) The [[Department]] County Fire and Rescue Service must investigate
each complaint alleging a violation of this Section and take appropriate
action, including issuing a citation when compliance cannot be obtained
otherwise. The [[County Fire and Rescue Service]] Department of
Health and Human Services may, if requested, assist the [[Department]]
Service in enforcing this Section.

Sec. 2. Effective date. This Act takes effect on [[January]] July 1, 2005.

Approved:

Steven A. Silverman, President, County Council

Douglas M. Duncan, County Executive
This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council

Date