

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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 24 is amended by adding Section 24-11A:**

2 **24-11A. Fitness Centers – Defibrillators.**

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

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

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

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

11 (4) [[Department means the Department of Health and Human
 12 Services.]]

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

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

27 (c) (1) This Section is not intended to impose any civil liability, or

28 relieve any person from civil liability, regarding the presence or
29 use of, or failure to use, any **Automated External Defibrillator**,
30 except as expressly provided in paragraph (2).

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

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

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

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

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

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

48 *Approved:*

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Steven A. Silverman, President, County Council

Date

51 *Approved:*

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Douglas M. Duncan, County Executive

Date

54 *This is a correct copy of Council action.*

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Mary A. Edgar, CMC, Clerk of the Council

Date