

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 294  
Finance

(Senator Cassilly, *et al.*)

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**Health - Automated External Defibrillator, First Aid, and CPR - Requirements  
for Health Clubs**

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This bill requires each health club to obtain a certificate to operate and make available an automated external defibrillator (AED) for use on the premises of the health club. Each health club must comply with the certificate requirements under the Public Access AED Program and the Emergency Medical Services (EMS) Board. When open for business, each health club must have an employee on the premises who, through training with the American Red Cross or a program with equivalent standards, is certified in first aid and cardiopulmonary resuscitation (CPR). An employee of a health club may not be held civilly liable for an act or omission regarding the presence or use of or failure to use an AED.

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**Fiscal Summary**

**State Effect:** The Maryland Institute for Emergency Medical Services Systems (MIEMSS) can issue certificates to health clubs under the Public Access AED Program and review health club compliance using existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Current Law:** “AED” means a medical heart monitor and defibrillator device that (1) is cleared for market by the U.S. Food and Drug Administration; (2) recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia; (3) determines,

without intervention by an operator, whether defibrillation should be performed, and on determination that defibrillation should be performed, automatically charges; and (4) requires operator intervention to deliver electrical impulse or automatically continues with delivery of electrical impulse.

“Health club services” includes health spa, figure salon, weight reduction center, self-defense school, or other physical culture service enterprises offering facilities for the preservation, maintenance, encouragement, or development of physical fitness or physical well-being. “Health club services” does not include agreements for services rendered by (1) any nonprofit public or private school, college, or university; (2) the State, or any of its political subdivisions; or (3) any nonprofit religious, ethnic, community, or service organization.

### *Public Access Automated External Defibrillator Program*

Through the Public Access AED Program, the EMS Board certifies organizations, businesses, agencies, or other entities to operate AEDs. To make an AED available, each facility must (1) hold a certificate from the EMS Board; (2) comply with the written protocol for the use of an AED, which includes notification of the EMS system as soon as possible after the use of an AED; (3) have established AED maintenance, placement, operation, reporting, and quality improvement procedures; (4) maintain each AED and all related equipment and supplies, as specified; and (5) ensure that each individual who is expected to operate an AED has successfully completed an educational training course and refresher training as required by the EMS Board. A certificate is valid for three years.

Under Maryland regulations (COMAR 30.06.02.01), each facility must designate an AED coordinator who must:

- complete CPR and AED training and subsequent refresher training, in accordance with specified requirements;
- be responsible for implementing and administering the AED program at the facility; and
- ensure that monthly safety inspections of all supplemental and AED equipment are conducted.

A facility must also ensure that all expected AED operators have completed CPR and AED training and subsequent refresher training, as specified.

MIEMSS may initiate a compliance review if a certified facility fails to comply with the requirements of the Public Access AED Program. Under its compliance review, MIEMSS may inspect all sites where the facility maintains an AED, records relating to the AED, and related equipment.

A registered facility is not civilly liable for any act or omission in the provision of automated external defibrillation if the registered facility has satisfied the requirements for making an AED available and possess a valid certificate at the time of the act or omission. An individual is not civilly liable for any act or omission if (1) the individual is acting in good faith while rendering automated external defibrillation to a person who is a victim or reasonably believed to be a victim of a sudden cardiac arrest; (2) assistance or aid is provided in a reasonably prudent manner; and (3) automated external defibrillation is provided without fee or other compensation.

**Small Business Effect:** Expenditures for small business health clubs increase to have an AED available on-site, ensure staff have the necessary first aid and CPR training required under the bill, and schedule personnel so that at least one trained staff is always on the premises when the club is open for business. Depending on the AED device and the budget of the health club, the economic impact may be meaningful.

**Additional Comments:** MIEMSS advises that 167 health clubs are registered with the Public Access AED Program. According to the Consumer Protection Division of the Office of the Attorney General, there are 714 health clubs in the State.

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### Additional Information

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Institute for Emergency Medical Services Systems; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 16, 2022  
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