



SB 294 - Health – Automated External Defibrillator, First Aid, and CPR – Requirements for Health Clubs

FAVORABLE WITH AMENDMENTS

SB 294 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).

Central to SB 294 is a legislative grant of immunity: 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. § 24-201 (page 2, Part D, line 16). MAJ is historically critical of legislative grants of immunities such as these, and often tries to propose amendments that clarify the immunity or point to existing immunity statutes.

The Maryland Association for Justice respectfully requests amendments to SB 294, to provide necessary protection for individuals who are treated with a defibrillator device at a health club and received (or did not receive) a response from a health club employee that does not act in accordance with the requirements of this bill.

Beginning on Page 2, Part D, Line 16 – Insert the following:

16 (D) AN EMPLOYEE OF A HEALTH CLUB ACTING IN ACCORDANCE WITH THIS

SECTION MAY NOT BE HELD CIVILLY LIABLE

17 FOR AN ACT OR OMISSION REGARDING THE PRESENCE OR USE OF OR FAILURE TO

18 USE AN AUTOMATED EXTERNAL DEFIBRILLATOR.

**The Maryland Association for Justice respectfully urges a
Favorable with Amendments Report**