

FINAL BILL REPORT

ESB 5592

C 186 L 24
Synopsis as Enacted

Brief Description: Requiring semiautomatic external defibrillator at fitness centers.

Sponsors: Senators Hunt, Cleveland, Conway, Lovick, Randall, Valdez, Van De Wege and Wilson, C..

Senate Committee on Health & Long Term Care
House Committee on Health Care & Wellness
House Committee on Appropriations

Background: State law requires that a person or entity that acquires a semiautomatic external defibrillator must ensure that:

- expected users receive reasonable instruction in defibrillator use and cardiopulmonary resuscitation by a course approved by the Department of Health;
- the defibrillator is maintained and tested according to the manufacturer's operational guidelines;
- upon acquiring a defibrillator, the acquirer enlists medical direction from a licensed physician in the use of the defibrillator and cardiopulmonary resuscitation;
- the acquirer notifies the local emergency medical services organization about the existence and the location of the defibrillator; and
- the defibrillator user calls 911 or its local equivalent as soon as possible after the emergency use of the defibrillator and assures that appropriate follow-up data is made available as requested by emergency medical service or other health care providers.

A person who uses a defibrillator at the scene of an emergency is immune from civil liability for any personal injury that results from any act or omission in the use of the defibrillator in an emergency setting. However, immunity from civil liability does not apply if the acts or omissions amount to gross negligence or willful or wanton misconduct.

Summary: The owner of a fitness center must acquire and maintain at least one semiautomatic external defibrillator on premises. The fitness center must comply with existing statutory requirements including instruction of personnel on the use of the

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defibrillator, maintenance of the defibrillator, and notification of the local emergency medical services organization about the location of the defibrillator.

An employee of a fitness center who has completed the required instruction on the use of the defibrillator may render emergency care or treatment on the fitness center premises. A person who uses a defibrillator at the scene of an emergency is immune from civil liability.

For the purposes of this act, a fitness center is defined as any premises used for recreation, instruction, training, physical exercise, body building, weight loss, figure development, martial arts, or other similar activity, that offers access on a membership basis. A fitness center does not include a school or institution of higher education, facilities operated by nonprofit organizations—the functions of which as fitness centers are only incidental to their overall functions, and private facilities operated out of a home that do not offer memberships.

Votes on Final Passage:

2023 Regular Session

Senate 48 0

2024 Regular Session

Senate 49 0

House 72 24 (House amended)

Senate 48 0 (Senate concurred)

Effective: June 6, 2024