

LOCAL LAW NO. "C" FOR 2008

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REQUIRING HEALTH CLUBS AND SPORTS FACILITIES TO HAVE AUTOMATED EXTERNAL DEFIBRILLATORS AND CPR CERTIFIED STAFF PRESENT DURING HOURS OF OPERATION

Introduced: 2/11/08

By Mr. Carman:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

SECTION 1. Legislative Intent and Purpose

- a. This Legislature finds and determines that it is essential to assure residents of Albany County that the county government continues to make every effort to maintain their health and safety.
- b. This Legislature further finds that sudden cardiac arrest is the leading cause of death among young athletes.
- c. This Legislature further finds and determines that it is in the best interest of Albany County citizens to require all health clubs, and sports facilities in Albany County to maintain an automated external defibrillator (AED) at their place of business, and also have present at least one staff member that is certified to administer Cardio Pulmonary Respiration (CPR).

SECTION 2. Definitions

- a. The term "Health Club" shall mean: any commercial establishment offering instruction, training or assistance and/or the facilities for the preservation, maintenance, encouragement or development of physical fitness or well-being. "Health club" as defined herein shall include, but not be limited to health spas, health studios, gymnasiums, weight control studios, martial arts and self-defense schools or any other commercial establishment offering a similar course of physical training.
- b. The term "Sport Facilities" shall mean: all outdoor or indoor establishments that receive compensation in exchange for providing a forum for competitive or recreational athletics. "Sport Facilities" as defined herein shall include, but not be limited to golf courses, soccer plexes, sports camps or clubs, or other facilities that offer to the public a venue for competitive or recreational athletics competitions. Any "Sport

Facilities” that is also a “Health Club” shall be considered only a “Health Club” for the purposes of this local law.

- c. The term “Automated external defibrillator” or “AED” shall mean: a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an operator, whether defibrillation should be performed on the patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to the patient's heart; and (iv) then, upon action by an operator, delivers an appropriate electrical impulse to the patient's heart to perform defibrillation.
- d. “Public access defibrillation provider” means a person, firm, organization or other entity possessing or operating an automated external defibrillator pursuant to a collaborative agreement under this section.

SECTION 3. Requirements

- a. Every Health Club defined herein whose membership is five hundred persons or more shall have on the premises at least one automated external defibrillator and shall have in attendance, at all times during business hours, at least one individual performing employment or individual acting as an authorized volunteer who holds a valid certification of completion of a course in the study of the operation of AEDs and a valid certification of the completion of a course in the training of cardiopulmonary resuscitation provided by a nationally recognized organization or association. All Health Clubs shall comply in all respects with the requirements of PHL Article 30 applicable to such facilities.
- b. Sports Facility as defined herein shall have on the premises at least one automated external defibrillator and shall have in attendance, at all times during business hours, at least one individual performing employment or individual acting as an authorized volunteer who holds a valid certification of completion of a course in the study of the operation of AEDs and a valid certification of the completion of a course in the training of cardiopulmonary resuscitation provided by a nationally recognized organization or association. The facility shall post a sign in a prominent place identifying the place of the AED.
- c. All health clubs, sports facilities, their staffs, and authorized volunteers subject to this local law shall be public access defibrillation providers

and shall be subject to the requirements and limitations of Section 3000-b of the NY Public Health Law.

- d. Pursuant to sections three thousand-a and three thousand-b of the public health law, any public access defibrillation provider, or any employee or other agent of the provider who, in accordance with the provisions of this section, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED which has been made available pursuant to this section, to a person who is unconscious, ill or injured, shall be liable only pursuant to section three thousand-a of the Public Health Law.

SECTION 4. Penalties and Enforcement

Any person, business, or other entity that violates the provisions of Section 3 shall be subject to a civil penalty not to exceed two hundred dollars for the first violation and not to exceed five hundred dollars for each subsequent violation. The provisions of this Local Law and any rules or regulations promulgated hereunder shall be enforced by the Albany County Department of Health.

SECTION 5. Duties of the Department of Health

The Albany County Department of Health shall establish procedures and regulations for the orderly administration of this Local Law. The Commissioner of the Department of Health shall refer cases of unpaid penalties to the Albany County Attorney for appropriate legal action.

SECTION 6. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 7. Effective Date

This law shall take effect immediately upon filing with the Secretary of State.

Referred to Health Committee. 2/11/08