

---

By: **Delegates Morhaim, Bromwell, Costa, Dwyer, Feldman, Malone,  
Nathan-Pulliam, Oaks, and Taylor**

Introduced and read first time: January 20, 2006

Assigned to: Health and Government Operations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Health Clubs - Defibrillators**

3 FOR the purpose of requiring certain health clubs to have an automated external  
4 defibrillator available on the premises under certain circumstances; providing  
5 for certain exceptions; providing for certain immunity from civil liability under  
6 certain circumstances; providing for certain civil liability under certain  
7 circumstances; defining certain terms; and generally relating to the availability  
8 of automated external defibrillators in health clubs.

9 BY adding to

10 Article - Commercial Law

11 Section 14-12B-09

12 Annotated Code of Maryland

13 (2005 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Commercial Law**

17 14-12B-09.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "AUTOMATED EXTERNAL DEFIBRILLATOR" HAS THE SAME MEANING  
21 AS STATED IN § 13-517 OF THE EDUCATION ARTICLE.

22 (3) "HEALTH CLUB" MEANS AN ENTITY THAT OFFERS HEALTH CLUB  
23 SERVICES.

24 (B) (1) THIS SUBSECTION DOES NOT APPLY TO ANY HEALTH CLUB THAT  
25 EMPLOYS FEWER THAN THREE INDIVIDUALS WHOSE REGULAR WORKWEEK IS MORE  
26 THAN 20 HOURS PER WEEK.

1           (2)     EACH HEALTH CLUB SHALL OBTAIN CERTIFICATION TO OPERATE AN  
2 AUTOMATED EXTERNAL DEFIBRILLATOR IN ACCORDANCE WITH § 13-517 OF THE  
3 EDUCATION ARTICLE.

4           (3)     EACH HEALTH CLUB SHALL COMPLY WITH THE CRITERIA  
5 ESTABLISHED BY THE EMERGENCY MEDICAL SERVICES BOARD AS PROVIDED IN §  
6 13-517 OF THE EDUCATION ARTICLE.

7     (C)     (1)     A HEALTH CLUB OR ANY EMPLOYEE OF A HEALTH CLUB MAY NOT BE  
8 HELD CIVILLY LIABLE FOR AN ACT OR OMISSION REGARDING THE PRESENCE OR USE  
9 OF OR FAILURE TO USE ANY AUTOMATED EXTERNAL DEFIBRILLATOR.

10           (2)     NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A  
11 HEALTH CLUB OR ANY EMPLOYEE OF A HEALTH CLUB MAY BE HELD CIVILLY LIABLE  
12 IN CONNECTION WITH THE USE OR NONUSE OF AN AUTOMATED EXTERNAL  
13 DEFIBRILLATOR IF:

14           (I)     THE HEALTH CLUB HAS NOT MADE AN AUTOMATED EXTERNAL  
15 DEFIBRILLATOR AVAILABLE AS REQUIRED UNDER THIS SECTION; OR

16           (II)    AN EMPLOYEE OF THE HEALTH CLUB HAS ACTED WITH MALICE  
17 OR GROSS NEGLIGENCE.

18     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2006.