

HOUSE BILL REPORT

ESB 5592

As Passed House - Amended:

February 29, 2024

Title: An act relating to requiring semiautomatic external defibrillators at fitness centers.

Brief Description: Requiring semiautomatic external defibrillator at fitness centers.

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

Brief History:

Committee Activity:

Health Care & Wellness: 3/14/23, 3/17/23 [DPA], 2/16/24, 2/20/24 [DPA];

Appropriations: 3/30/23, 4/1/23 [DPA(APP w/o HCW)].

Floor Activity:

Passed House: 2/29/24, 72-24.

Brief Summary of Engrossed Bill (As Amended by House)

- Requires fitness centers to acquire and maintain at least one semiautomatic external defibrillator.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass as amended. Signed by 12 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Bronoske, Caldier, Davis, Macri, Orwall, Simmons, Stonier, Thai and Tharinger.

Minority Report: Without recommendation. Signed by 5 members: Representatives Schmick, Ranking Minority Member; Graham, Harris, Maycumber and Mosbrucker.

Staff: Emily Poole (786-7106).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

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 of Amended Bill:

The owner of a fitness center is required to acquire and maintain at least one semiautomatic external defibrillator on premises. The fitness center must comply with existing statutory requirements relating to semiautomatic external defibrillators, including instruction of personnel on the use of the 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 semiautomatic external defibrillator at the scene of an emergency is immune from civil liability.

A "fitness center" is defined as any premises used for recreation, instruction, training, physical exercise, bodybuilding, weight loss, figure development, martial arts, or other similar activity, that offers access on a membership basis. A "fitness center" does not include certain educational institutions, facilities operated by bona fide nonprofit organizations that function only incidentally as fitness centers, and private facilities operated out of a home that do not offer memberships.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Fitness centers should be required to maintain defibrillators. The average cost of a defibrillator is less than the cost of a single weight rack, and there are grant programs available to assist fitness centers with the associated costs. Cardiac events are more likely in fitness centers. In the case of a cardiac event, every second is important, and defibrillators are proven to save lives. Good Samaritan laws protect rescuers and property owners from liability.

(Opposed) None.

Persons Testifying: Kim Reiter; Karli Reiter; and Steve Brooks, Washington Fire Chiefs.

Persons Signed In To Testify But Not Testifying: None.