

SENATE BILL REPORT

ESB 5592

As Passed Senate, March 7, 2023

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 & Long Term Care: 2/09/23, 2/16/23 [DP, w/oRec].

Floor Activity: Passed Senate: 3/7/23, 48-0.

Brief Summary of Engrossed Bill

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

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Rivers, Ranking Member; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Randall and Van De Wege.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Greg Attanasio (786-7410)

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;

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.

- 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 Engrossed Bill: 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 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.

Subject to appropriation, the Department of Commerce must establish a grant program to assist fitness centers with acquiring and maintaining a defibrillator.

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.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Cardiac arrest remains a public health crisis. This bill is a first step to protecting people from heart trauma by providing access to care in an emergency situation. Time is critical during a cardiac event. Defibrillators and CPR can double chance of survival.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Karli Reiter, Brian Reiter; Kim Reiter; Brandon Austin; Patrick Leonard.

Persons Signed In To Testify But Not Testifying: No one.