



Wednesday, March 8, 2006

## Bill Summary - A07376

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### A07376 Summary:

BILL NO A07376

SAME AS Same as S 4072

SPONSOR Weisenberg

COSPNSR

MLTSPNSR Alfano

Add S2-a, Chap 186 of 2004

Establishes that local laws related to certain health clubs and automated external defibrillators shall not be pre-empted.

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### A07376 Actions:

BILL NO A07376

04/14/2005 referred to tourism, arts and sports development

01/04/2006 referred to tourism, arts and sports development

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### A07376 Votes:

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### A07376 Memo:

BILL NUMBER: A7376

TITLE OF BILL : An act to amend chapter 186 of the laws of 2004, amending the general business law relating to requiring certain health clubs to have at least one automated external defibrillator, requiring health club employees to be certified in cardiopulmonary resuscitation and requiring such employees to be certified in the operation of

automated external defibrillators, in relation to the local preemption of such requirements

**PURPOSE :** To clarify that chapter 186 of the Laws of 2004 is not intended to preempt local laws imposing further, additional or stricter requirements on health clubs, with regard to the automated external defibrillators (AEDs).

**SUMMARY OF PROVISIONS :** The bill would amend chapter 186 of the Laws of 2004 to clarify that such law is intended to require health clubs with five hundred or more members to maintain at least one AED and have a person on the premises qualified to administer CPR and operate the AED, but is not meant to preclude local governments from enacting additional or stricter local laws.

**JUSTIFICATION :** AED`s save lives. According to the American Heart Association, immediate use of an AED and CPR, could save up to 50,000 lives each year. Chapter 186 of the Laws of 2004 imposed the requirement that health clubs with a membership of five hundred or more maintain an AED on the premises and also arrange for an employee qualified to perform CPR and operate the AED to be on the premises during business hours. Chapter 481 of the Laws of 2004 amended chapter 186 to change the effective date from one hundred eighty days to one year from the date it was enacted.

Section 631 of the General Business Law, states that all of Article 30 preempts any contrary local law. Some municipalities, such as Suffolk County, have enacted local laws imposing defibrillator requirements stricter than those imposed by chapter 186. This bill is simply intended to clarify the Sponsors` intent that localities be permitted to require additional health clubs to maintain defibrillators, require additional defibrillators, or impose any stricter requirement than those in chapter 186.

**LEGISLATIVE HISTORY :** New bill. Chapter 186 of the Laws of 2004 imposed the requirement that health clubs with a membership of five hundred or more maintain an AED on the premises and also arrange for an employee qualified to perform CPR and operate the AED to be on the premises during business hours. Chapter 481 of the Laws of 2004 amended chapter 186 to change the effective date from one hundred eighty days to one year from the date it was enacted.

**FISCAL IMPLICATIONS :** None.

**EFFECTIVE DATE :** On the same date as chapter 186 of the Laws of 2004: July 20, 2005.