

Introduced by Legislators Caracciolo and Carpenter

**RESOLUTION NO. 1132-2004, ADOPTING LOCAL LAW NO.  
42-2005, A LOCAL LAW TO REQUIRE DEFIBRILLATORS IN  
CAMPS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on August 24, 2004, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE DEFIBRILLATORS IN CAMPS**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 42-2005, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REQUIRE DEFIBRILLATORS IN CAMPS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that defibrillators are commonly becoming a life saving device used in public places.

This Legislature also finds and determines that there have been numerous instances of children on athletic fields who have died and whose lives might have been saved if a defibrillator had been readily available.

This Legislature further finds and determines that the State of New York has found that defibrillators are so valuable in saving children's lives that they have now required them to be in schools.

This Legislature finds that the requirement of defibrillators has not been extended to camps, a place where children engage in vigorous indoor and outdoor athletic activities.

Therefore, the purpose of this law is to require the availability of an automated external defibrillator in each and every children's day camp and children's overnight camp in the County of Suffolk.

**Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

A.) "Automated External Defibrillator" shall mean a medical device, approved by the United States Food and Drug Administration (FDA), that:

- a.) is capable of recognizing the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia;
- b.) is capable of determining, without intervention by an operator, whether defibrillation should be performed on a patient;
- c.) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to the patient's heart; and
- d.) then, upon action by an operator, delivers an appropriate electrical impulse to the patient's heart to perform defibrillation.

B.) "Children's Overnight Camp" shall mean a property consisting of a tract of land and any tents, vehicles, buildings or other structures that may be pertinent to its use, any part of which may be occupied by the persons under eighteen years of age under general supervision for the purpose of outdoor or indoor organized activities, including but not limited to, sports camps, athletic camps, and instructional camps on a year-round basis, and on which provisions are made for overnight occupancy of children.

C.) "Day Camp" shall mean a property consisting of a tract of land and any tents, vehicles, buildings or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June first and September fifteenth in any year by children under sixteen years of age under general supervision, for a period of less than twenty-four hours on any day the property is so occupied, and on which no provisions are made for overnight occupancy by such children.

Day camp shall also include sports camps, athletic camps, and instructional camps on a year-round basis.

**Section 3. On-Site Cardiac Automated External Defibrillator.**

1.) Every day camp and every children's overnight camp in Suffolk County shall provide and maintain in good working order, on-site, in each facility, at least one (1) Automated External Defibrillator (AED) equipment as defined herein.

2.) At all hours at which children are present in the day camp or children's overnight camp, there shall be at least one (1) staff person who is trained pursuant to the NEW YORK STATE PUBLIC HEALTH LAW, Section 3000-b(3)(a), in the operation and use of an AED.

**Section 4. Enforcement.**

This law shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II of the SUFFOLK COUNTY SANITARY CODE.

**Section 5. Penalties.**

Willful failure to comply with Section 3 of this law shall constitute a violation punishable by a fine not to exceed One Thousand (\$1,000.00) Dollars for each violation.

**Section 6. Regulations.**

The Commissioner of the Suffolk County Department of Health Services is hereby authorized and empowered to issue and promulgate such rules and regulations, as he or she deems necessary to implement and carry out the provisions of this law.

**Section 7. Applicability.**

This law shall apply to day camps and children's overnight camps within the County of Suffolk subsequent to the effective date of this law.

**Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged 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, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 9. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 10. Reverse Preemption.**

This law shall be null and void on the day that Statewide or federal legislation goes into effect, incorporating either the same of substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted of the purposes of triggering the provision of this section.

**Section 11. Effective Date.**

This law shall take effect on the ninetieth day immediately subsequent to filing in the Office of the Secretary of State.

DATED: November 16, 2004

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
after a public hearing duly held on November 30, 2004  
Date: December 15, 2004  
Filed with the Secretary of State on January 5, 2005