

**SUBSTITUTE FOR
SENATE BILL NO. 310**

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "AED" means automated external defibrillator.

3 (b) "Department" means the department of community health.

4 (c) "Person" means an individual, partnership, corporation,
5 association, governmental entity, or other legal entity.

6 (d) "Health club" means an establishment that provides, as its
7 primary purpose, services or facilities that are purported to
8 assist patrons in physical exercise, in weight control, or in
9 figure development, including, but not limited to, a fitness

1 center, studio, salon, or club. A health club does not include a
2 hotel or motel that provides physical fitness equipment or
3 activities, an organization solely offering training or facilities
4 for an individual sport, or a weight reduction center.

5 Sec. 2. Beginning 1 year after the effective date of this act,
6 the owner or operator of a health club shall do all of the
7 following:

8 (a) Employ at least 1 individual who has satisfactorily
9 completed a course or courses in basic first aid, basic
10 cardiopulmonary resuscitation, and AED use taught by the American
11 red cross, the American heart association, or an equivalent
12 organization approved by the department.

13 (b) Have available on the premises of the health club an AED
14 deployed in a manner that provides obvious and ready accessibility
15 to staff, members, and guests.

16 (c) Develop and implement an emergency plan to address
17 emergency services, when needed, during operational hours at the
18 health club.

19 Sec. 3. (1) A person, including, but not limited to, a health
20 club owner, operator, or employee, does not have a duty to render
21 emergency service to an individual using an AED that a health club
22 has on the premises.

23 (2) This act does not limit the applicability of 1963 PA 17,
24 MCL 691.1501 to 691.1507.

25 Sec. 4. A person who violates this act is responsible for a
26 state civil infraction and shall be ordered to pay a civil fine as
27 follows:

- 1 (a) Not more than \$250.00 for a first offense.
- 2 (b) Not more than \$500.00 for a second offense.
- 3 (c) Not more than \$1,000.00 for a third or subsequent offense.