
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1755 Session of
2005

INTRODUCED BY COSTA, DeWEESE, GRUCELA, PISTELLA, BEBKO-JONES,
BIANCUCCI, CALTAGIRONE, CRUZ, DALEY, FABRIZIO, GEIST,
GOODMAN, KILLION, KOTIK, LEACH, MANN, RAMALEY, SCAVELLO,
E. Z. TAYLOR, WHEATLEY AND YOUNGBLOOD, JUNE 21, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JUNE 21, 2005

AN ACT

1 Providing for automated external defibrillators at golf courses,
2 for civil immunity and for a sales and use tax exemption.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Golf Course
7 Medical Emergency Preparedness Act.

8 Section 2. Purpose and intent.

9 The General Assembly finds and declares as follows:

10 (1) More than 250,000 Americans die each year from
11 sudden cardiac arrest.

12 (2) However, according to the American Heart
13 Association, more than 20,000 of these lives could be saved
14 each year by prompt use of an automated external
15 defibrillator.

16 (3) For this reason, the near availability of an

1 automated external defibrillator is critical to protecting
2 lives in locations where emergency personnel are not likely
3 to arrive in time.

4 (4) Private and public golf courses should be required
5 to maintain at least one automated external defibrillator on
6 their premises at all times.

7 (5) Golf courses and users of such equipment at golf
8 courses should receive immunity from civil damages for any
9 acts or omissions in using an automated external
10 defibrillator.

11 (6) The purchase of automated external defibrillators
12 should be excluded from the sales and use tax in order to
13 ease the financial burden of complying with this act.

14 Section 3. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Automated external defibrillator" or "AED." A portable
19 device which uses electric shock to restore a stable heart
20 rhythm to an individual in cardiac arrest.

21 "Department." The Department of Health of the Commonwealth.

22 "Emergency." A situation where an individual is believed to
23 be in cardiac arrest and in need of immediate medical attention
24 to prevent death or serious injury.

25 "Good faith." This term includes a reasonable opinion that
26 the immediacy of the situation is such that the use of an
27 automated external defibrillator should not be postponed until
28 emergency medical services personnel arrive or the person
29 needing emergency medical services is hospitalized.

30 Section 4. Automated external defibrillator required.

1 (a) General rule.--Every public and private golf course
2 shall have at least one AED on the facility's premises at all
3 times. The department shall adopt rules and regulations to
4 ensure coordination with local emergency medical services
5 departments regarding the placement and use of AEDs at golf
6 courses. The department may adopt rules and regulations
7 requiring a facility to have more than one AED on the premises,
8 based on factors that include, but need not be limited to, the
9 following:

10 (1) The size of the facility.

11 (2) The number of persons using the facility.

12 (b) Testing and maintenance.--Every golf course must ensure
13 that every AED on the facility's premises is properly tested and
14 maintained in accordance with rules and regulations adopted by
15 the department.

16 Section 5. Economic incentives.

17 (a) General rule.--The department shall work, in
18 consultation with golf courses and manufacturers and
19 distributors of AEDs, to develop a procedure by which two or
20 more facilities may submit a joint bid for the purchase of AEDs
21 in order to maximize their purchasing power.

22 (b) Sales and use tax exclusion.--The purchase or sale at
23 retail of an AED by an owner or operator of a golf course for
24 compliance with this act shall be excluded from the sales and
25 use tax imposed under section 202 of the act of March 4, 1971
26 (P.L.6, No.2), known as the Tax Reform Code of 1971.

27 Section 6. Inspections.

28 The department shall inspect a golf course in response to a
29 complaint filed with the department alleging a violation of this
30 act. For the purpose of ensuring compliance with this act, the

1 department may inspect a golf course at other times in
2 accordance with rules and regulations of the department.

3 Section 7. Penalties for violations.

4 The owner or operator of a golf course that violates this act
5 shall be subject to a civil fine, to be imposed by the
6 department, in the following amounts:

7 (1) At least \$250 but less than \$500 for the first
8 violation.

9 (2) At least \$500 but less than \$1,000 for the second
10 violation.

11 (3) At least \$1,000 for the third or subsequent
12 violation.

13 Section 8. Civil immunity.

14 (a) Owner or operator.--The owner or operator of a golf
15 course that acquires and maintains an AED for use in accordance
16 with this act shall not be liable for civil damages provided
17 that the owner or operator:

18 (1) Maintains and tests the AED according to the
19 manufacturer's operational guidelines.

20 (2) Assures that any appropriate data or information is
21 available to emergency medical services personnel or other
22 health care providers as required.

23 (b) Users of AED.--Any person who in good faith uses an AED
24 in an emergency at a golf course shall not be liable for any
25 civil damages as a result of any acts or omissions by such
26 person in using the AED, except any acts or omissions
27 intentionally designed to harm or any grossly negligent acts or
28 omissions which result in harm to the individual receiving the
29 AED treatment.

30 (c) Construction.--Nothing in this act shall be construed to

1 relieve a person who uses an AED from civil damages when that
2 person obstructs or interferes with care and treatment being
3 provided by emergency medical services personnel or a health
4 professional.

5 Section 9. Regulations.

6 The department shall adopt rules and regulations to implement
7 this act.

8 Section 10. Effective date.

9 This act shall take effect in 90 days.