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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1353 Session of  
2022

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INTRODUCED BY HAYWOOD, COMITTA, COSTA, GORDNER, BREWSTER,  
FONTANA, SCHWANK, TARTAGLIONE AND MUTH, OCTOBER 24, 2022

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
OCTOBER 24, 2022

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AN ACT

1 Amending the act of December 21, 1989 (P.L.672, No.87), entitled  
2 "An act providing for the regulation of health club  
3 contracts; and providing for further duties of the Bureau of  
4 Consumer Protection, the Attorney General and district  
5 attorneys," further providing for employee available to  
6 administer CPR and providing for automated external  
7 defibrillator.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 14(c.1)(1)(ii) and (2)(iii) of the act of  
11 December 21, 1989 (P.L.672, No.87), known as the Health Club  
12 Act, are amended to read:

13 Section 14. Employee available to administer CPR.

14 \* \* \*

15 (c.1) Exception.--A health club that offers services during  
16 nonstaffed hours shall not be subject to the requirements of  
17 subsections (a) and (c) if the health club complies with all of  
18 the following:

19 (1) Every health club offering health club services  
20 during nonstaffed hours prior to the effective date of this

1 subsection shall comply with all of the following:

2 \* \* \*

3 (ii) The area specified under subparagraph (i) must  
4 be equipped with all of the following:

5 [(A) At least one automated external  
6 defibrillator.]

7 (B) Appropriate signage.

8 (C) A panic button.

9 (D) A 911 telephone.

10 (E) At least four personal security devices.

11 \* \* \*

12 (2) Every health club not providing health club services  
13 during nonstaffed hours prior to the effective date of this  
14 subsection that will begin to provide health club services  
15 during nonstaffed hours after the effective date of this  
16 subsection must comply with the following:

17 \* \* \*

18 (iii) Obtain a signed waiver from each existing  
19 health club member that:

20 (A) Explains to the buyer that the health club  
21 may have hours during which it is not staffed.

22 (B) Explains to the buyer that the health club  
23 is required to have certain safety equipment,  
24 including the location and use of the equipment  
25 required under paragraph (1)(ii) and section 14.1.

26 (C) Is signed by the buyer acknowledging that  
27 the buyer received all of the instructions of this  
28 subsection regarding the use of the health club  
29 during nonstaffed hours, including the location and  
30 use of the safety equipment.

1 (D) Provides instructions to the buyer regarding  
2 the use of the health club during nonstaffed hours of  
3 operation, including the location and use of all  
4 equipment required under paragraph (1)(ii) and  
5 section 14.1.

6 \* \* \*

7 Section 2. The act is amended by adding a section to read:  
8 Section 14.1. Automated external defibrillator.

9 (a) Requirement.--Every health club shall have on the health  
10 club's premises at least one automated external defibrillator  
11 and appropriate signage.

12 (b) Instructions.--During the orientation of each new buyer,  
13 or at the time of the renewal of an existing health club  
14 membership, the health club shall provide instructions regarding  
15 the use of an automated external defibrillator.

16 (c) Liability.--

17 (1) Absent a showing of gross negligence or willful or  
18 wanton misconduct, no cause of action against a health club  
19 or its employees may arise in connection with the use or  
20 nonuse of a defibrillator.

21 (2) A person who, in good faith, attempts to render  
22 emergency care, including CPR or defibrillation, and does so  
23 without compensation shall not be liable for acts or  
24 omissions, other than gross negligence or willful or wanton  
25 misconduct, resulting from the attempt to render emergency  
26 care.

27 (d) Definitions.--As used in this section, the following  
28 words and phrases shall have the meanings given to them in this  
29 subsection:

30 "Appropriate signage." All of the following:

1           (1) A sign posted in plain view by each automated  
2 external defibrillator with instructions for its use.

3           (2) A sign posted in plain view indicating that working  
4 out alone during nonstaffed hours may pose health and safety  
5 risks.

6           "Automated external defibrillator." A portable device that  
7 uses electric shock to restore a stable heart rhythm to an  
8 individual in cardiac arrest.

9           "CPR." Cardiopulmonary resuscitation, an approved lifesaving  
10 technique which involves stimulation of the lungs and heart of a  
11 victim of cardiac or pulmonary distress.

12           "Nonstaffed hours." Any period during which a health club  
13 provides health club services without an employee on the  
14 premises.

15           Section 3. This act shall take effect in 180 days.