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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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 HOUSE BILL
 

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 No. 1525 Session of  
2011
 

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INTRODUCED BY ELLIS, BARRAR, COHEN, D. COSTA, DONATUCCI,  
J. EVANS, FABRIZIO, GABLER, GEIST, GODSHALL, HUTCHINSON,  
KAUFFMAN, M. K. KELLER, LONGIETTI, MAHER, MALONEY, MUSTIO,  
NEUMAN, SANTONI, SCAVELLO, SWANGER, TAYLOR, THOMAS, WHEATLEY,  
WHITE, BROOKS AND CALTAGIRONE, JUNE 6, 2011

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SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, MARCH 27, 2012

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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.

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

9 Section 1. Section 14 of the act of December 21, 1989  
10 (P.L.672, No.87), known as the Health Club Act, is amended to  
11 read:

12 Section 14. Employee available to administer CPR.

13 (a) General rule.--[Every] EXCEPT AS PROVIDED UNDER ←  
14 SUBSECTION (C.1), EVERY health club shall employ and have on the  
15 health club's premises during the club's hours of operation a  
16 person who is trained and certified to administer CPR.

17 (b) Nature of employment.--An employee who is trained and

1 certified to administer CPR may be hired primarily to fulfill  
2 other functions for the employing health club.

3 (c) Number of employees certified.--If a health club is open  
4 for more than eight hours a day and more than five days a week,  
5 it shall employ more than one person who is trained and  
6 certified to administer CPR.

7 ~~(c.1) Limited waiver.~~ ←

8 ~~(1) Notwithstanding any other provision of this section,~~  
9 ~~a health club that offers health club services during~~  
10 ~~nonstaffed hours may submit a written request to the director~~  
11 ~~for a waiver from compliance with the provisions of this~~  
12 ~~section during nonstaffed hours.~~

13 ~~(2) The director shall approve a request for a waiver~~  
14 ~~submitted under this subsection if the director determines~~  
15 ~~that:~~

16 ~~(i) The portion of the premises in which members are~~  
17 ~~permitted access during nonstaffed hours consists of not~~  
18 ~~more than 6,000 square feet that meets requirements of~~  
19 ~~the municipality in which the health club is located for~~  
20 ~~being readily accessible to emergency services responders~~  
21 ~~from the outside of the health club.~~

22 ~~(ii) The area specified under subparagraph (i) is~~  
23 ~~equipped with an automated external defibrillator and~~  
24 ~~appropriate signage, a panic button, a 911 telephone and~~  
25 ~~no less than four personal security devices.~~

26 ~~(iii) During orientation of each new buyer, the~~  
27 ~~health club provides instructions regarding the use of~~  
28 ~~the health club during nonstaffed hours, including the~~  
29 ~~location and use of the equipment required under~~  
30 ~~subparagraph (ii).~~



1 (C.1) EXCEPTION.--A HEALTH CLUB THAT OFFERS SERVICES DURING  
2 NONSTAFFED HOURS SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF  
3 SUBSECTION (C) IF THE HEALTH CLUB COMPLIES WITH ALL OF THE  
4 FOLLOWING:

5 (1) EVERY HEALTH CLUB OFFERING HEALTH CLUB SERVICES  
6 DURING NONSTAFFED HOURS PRIOR TO THE EFFECTIVE DATE OF THIS  
7 SUBSECTION SHALL COMPLY WITH ALL OF THE FOLLOWING:

8 (I) THE PORTION OF THE PREMISES IN WHICH MEMBERS ARE  
9 PERMITTED ACCESS DURING NONSTAFFED HOURS MUST MEET ALL OF  
10 THE FOLLOWING:

11 (A) CONSIST OF NOT MORE THAN 6,000 SQUARE FEET.

12 (B) MEET THE REQUIREMENTS OF THE MUNICIPALITY IN  
13 WHICH THE HEALTH CLUB IS LOCATED CONCERNING  
14 ACCESSIBILITY TO EMERGENCY SERVICES RESPONDERS FROM  
15 THE OUTSIDE OF THE HEALTH CLUB.

16 (II) THE AREA SPECIFIED UNDER SUBPARAGRAPH (I) MUST  
17 BE EQUIPPED WITH ALL OF THE FOLLOWING:

18 (A) AT LEAST ONE AUTOMATED EXTERNAL  
19 DEFIBRILLATOR.

20 (B) APPROPRIATE SIGNAGE.

21 (C) A PANIC BUTTON.

22 (D) A 911 TELEPHONE.

23 (E) AT LEAST FOUR PERSONAL SECURITY DEVICES.

24 (III) DURING THE ORIENTATION OF EACH NEW BUYER, OR  
25 AT THE TIME OF THE RENEWAL OF AN EXISTING HEALTH CLUB  
26 MEMBERSHIP, THE HEALTH CLUB SHALL PROVIDE INSTRUCTIONS  
27 REGARDING THE USE OF THE HEALTH CLUB DURING NONSTAFFED  
28 HOURS, INCLUDING THE LOCATION AND USE OF ALL EQUIPMENT  
29 REQUIRED UNDER SUBPARAGRAPH (II).

30 (IV) ALL CONTRACTS FOR A NEW OR RENEWAL MEMBERSHIP

1 TO THE HEALTH CLUB MUST CONTAIN A WAIVER THAT:

2 (A) EXPLAINS TO THE BUYER THAT THE HEALTH CLUB  
3 MAY HAVE HOURS DURING WHICH IT IS NOT STAFFED.

4 (B) EXPLAINS TO THE BUYER THAT THE HEALTH CLUB  
5 IS REQUIRED TO HAVE CERTAIN SAFETY EQUIPMENT,  
6 INCLUDING THE LOCATION AND USE OF THE EQUIPMENT  
7 REQUIRED UNDER SUBPARAGRAPH (II).

8 (C) IS SIGNED BY THE BUYER ACKNOWLEDGING THAT  
9 THE BUYER RECEIVED ALL OF THE INSTRUCTIONS REQUIRED  
10 UNDER THIS SUBSECTION REGARDING THE USE OF THE HEALTH  
11 CLUB DURING NONSTAFFED HOURS, INCLUDING THE LOCATION  
12 AND USE OF THE SAFETY EQUIPMENT.

13 (2) EVERY HEALTH CLUB NOT PROVIDING HEALTH CLUB SERVICES  
14 DURING NONSTAFFED HOURS PRIOR TO THE EFFECTIVE DATE OF THIS  
15 SUBSECTION THAT WILL BEGIN TO PROVIDE HEALTH CLUB SERVICES  
16 DURING NONSTAFFED HOURS AFTER THE EFFECTIVE DATE OF THIS  
17 SUBSECTION MUST COMPLY WITH THE FOLLOWING:

18 (I) PROVIDE NOTICE TO ALL EXISTING BUYERS OF HEALTH  
19 CLUB CONTRACTS OF THE INTENT OF THE HEALTH CLUB TO  
20 PROVIDE HEALTH CLUB SERVICES DURING NONSTAFFED HOURS OF  
21 OPERATION.

22 (II) PROVIDE NOTICE TO ALL EXISTING BUYERS OF HEALTH  
23 CLUB CONTRACTS OF THE HOURS OF OPERATION DURING WHICH  
24 THERE WILL NOT BE AN INDIVIDUAL ON PREMISE WHO IS TRAINED  
25 AND CERTIFIED TO ADMINISTER CPR.

26 (III) OBTAIN A SIGNED WAIVER FROM EACH EXISTING  
27 HEALTH CLUB MEMBER THAT:

28 (A) EXPLAINS TO THE BUYER THAT THE HEALTH CLUB  
29 MAY HAVE HOURS DURING WHICH IT IS NOT STAFFED.

30 (B) EXPLAINS TO THE BUYER THAT THE HEALTH CLUB

1 IS REQUIRED TO HAVE CERTAIN SAFETY EQUIPMENT,  
2 INCLUDING THE LOCATION AND USE OF THE EQUIPMENT  
3 REQUIRED UNDER PARAGRAPH (1) (II).

4 (C) IS SIGNED BY THE BUYER ACKNOWLEDGING THAT  
5 THE BUYER RECEIVED ALL OF THE INSTRUCTIONS OF THIS  
6 SUBSECTION REGARDING THE USE OF THE HEALTH CLUB  
7 DURING NONSTAFFED HOURS, INCLUDING THE LOCATION AND  
8 USE OF THE SAFETY EQUIPMENT.

9 (D) PROVIDES INSTRUCTIONS TO THE BUYER REGARDING  
10 THE USE OF THE HEALTH CLUB DURING NONSTAFFED HOURS OF  
11 OPERATION, INCLUDING THE LOCATION AND USE OF ALL  
12 EQUIPMENT REQUIRED UNDER PARAGRAPH (1) (II).

13 (IV) PROVIDE NOTICE THAT THIS IS A MATERIAL CHANGE  
14 IN THE CONTRACT AND IT MAY BE TERMINATED AND A REFUND  
15 WILL BE PROVIDED FOR THE UNUSED PORTION.

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

19 "911 telephone." A telephone that does any of the following:

20 (1) Allows the person using the telephone to contact a  
21 public safety answering point by dialing or pressing 911.

22 (2) Automatically calls a public safety answering point  
23 when a person picks up the handset and activates the  
24 telephone.

25 "Appropriate signage." All of the following:

26 (1) A sign posted in plain view by each automated  
27 external defibrillator, panic button, 911 telephone and  
28 personal security device with instructions for their use.

29 (2) A sign posted in plain view indicating that working  
30 out alone during nonstaffed hours may pose health and safety

1 risks.

2 "Automated external defibrillator." A portable device that  
3 uses electric shock to restore a stable heart rhythm to an  
4 individual in cardiac arrest.

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

8 "Emergency services." Services, including firefighting, law  
9 enforcement, ambulance and medical services, provided for the  
10 protection or preservation of persons or property in  
11 circumstances of immediate and significant threat of injury or  
12 harm.

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

16 "Panic button." A wall-mounted device that, when  
17 intentionally activated by a person, sends an electronic signal  
18 informing a public safety answering point or a remote monitoring  
19 station that the person is in need of emergency services.

20 "Personal security device." A device that is designed to be  
21 worn around the neck of a person and when intentionally  
22 activated by the person, sends an electronic signal informing a  
23 public safety answering point or a remote monitoring station  
24 that the person is in need of emergency services.

25 "Public safety answering point." A public safety answering  
26 point as defined in section 2 of the act of July 9, 1990 ←  
27 (P.L.340, No.78), known as the Public Safety Emergency Telephone  
28 Act 35 PA.C.S. § 5302 (RELATING TO DEFINITIONS). ←

29 "Remote monitoring station." A location staffed 24 hours a  
30 day, seven days a week by trained personnel who contact a public

1 safety answering point or emergency services responders.

2 Section 2. This act shall take effect in 60 days.