

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1525 Session of 2011

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

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, JUNE 11, 2012

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 SUBSECTIONS (A) AND (C) IF THE HEALTH CLUB COMPLIES ←
4 WITH ALL OF THE 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 (IV) PROVIDE NOTICE TO ALL EXISTING BUYERS OF HEALTH ←
17 CLUB CONTRACTS THAT:

18 (A) WITHIN AT LEAST 60 DAYS PRIOR TO THE
19 PROVISION OF HEALTH CLUB SERVICES DURING NONSTAFFED
20 HOURS, THE PROVISION OF HEALTH CLUB SERVICES DURING
21 NONSTAFFED HOURS IS A MATERIAL CHANGE IN THE
22 CONTRACT.

23 (B) THE CONTRACT MAY BE TERMINATED ONLY WITHIN
24 THE 60 DAY PERIOD UNDER CLAUSE (A).

25 (C) IF THE CONTRACT IS TERMINATED UNDER THIS
26 SUBPARAGRAPH, A REFUND WILL BE PROVIDED FOR THE
27 UNUSED PORTION OF THE REMAINING CONTRACT.

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

1 "911 telephone." A telephone that does any of the following:

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

4 (2) Automatically calls a public safety answering point
5 when a person picks up the handset and activates the
6 telephone.

7 "Appropriate signage." All of the following:

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

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

14 "Automated external defibrillator." A portable device that
15 uses electric shock to restore a stable heart rhythm to an
16 individual in cardiac arrest.

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

20 "Emergency services." Services, including firefighting, law
21 enforcement, ambulance and medical services, provided for the
22 protection or preservation of persons or property in
23 circumstances of immediate and significant threat of injury or
24 harm.

25 "Nonstaffed hours." Any period during which a health club
26 provides health club services without an employee on the
27 premises.

28 "Panic button." A wall-mounted device that, when
29 intentionally activated by a person, sends an electronic signal
30 informing a public safety answering point or a remote monitoring

1 station that the person is in need of emergency services.

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

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

11 "Remote monitoring station." A location staffed 24 hours a
12 day, seven days a week by trained personnel who contact a public
13 safety answering point or emergency services responders.

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