SENATE, No. 2023

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:
Senator JAMES BEACH
District 6 (Burlington and Camden)

SYNOPSIS

Requires certain places of public assembly to have automated external defibrillator on-site.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning automated external defibrillators and supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that:

a. Since 1999, the Legislature has recognized the public health benefits associated with having on-site automated external defibrillators accessible and ready for use at certain locations;

b. In light of the recognized benefits associated with increased defibrillator accessibility and use, the Legislature has enacted several laws over the preceding years to require defibrillators to be maintained in an accessible on-site location at various types of facilities, including public and non-public schools, health clubs, nursing homes, and assisted living facilities;

c. The survival rate for a cardiac event can be as high as 90% when defibrillation is provided in the first minute after cardiac arrest, but the chances of surviving the event decrease by seven to 10 percent with each minute that passes without defibrillation;

d. Because the congestion associated with large crowds of people impedes the ability of emergency medical services personnel to gain timely access to a person within the crowd who is experiencing a cardiac event, it is imperative that a defibrillator be readily accessible on-site at facilities and other sites that cater to large public assemblies, so that such facilities and sites can better ensure the prompt and appropriate provision of emergency treatment to, and the potential survival of, members of the assembly who are suffering from a cardiac event; and

e. In order to ensure that a person experiencing a cardiac event in a large public assembly will have the highest chance of survival, and will not be further endangered by the lack of timely emergency medical treatment, it is in the best interests of the residents of this State to require large places of public assembly to maintain an automated external defibrillator on their premises.

2. As used in this act:

"Automated external defibrillator" or "defibrillator" means a medical device heart monitor and defibrillator as described in section 2 of P.L.1999, c.34 (C.2A:62A-24).

"Place of public assembly" means an indoor or outdoor facility, building, or other site, which has the capacity to accommodate large public assemblies of at least 1,000 people at a time, including, but not limited to, a stadium, ballpark, gymnasium, race track, field house, arena, civic center, or other similar facility used for the conduct of sporting events; and any concert hall, recital hall, theater, indoor or outdoor amphitheater, or other auditorium space used for the presentation of musical renditions or concerts. A

"place of public assembly" does not include any hall owned by a church, religious organization, grange, public association, or free library.

3. a. No later than one year after the effective date of this act, the owner or operator of each place of public assembly shall:

(1) acquire, and maintain on-site at the place of public assembly, at least one automated external defibrillator, which shall remain accessible at all times when the place of public assembly is open for business;

(2) store and maintain the defibrillator in a central, unlocked location that is known and accessible to employees, and which is within reasonable proximity to the audience seating area;

(3) ensure that the defibrillator is tested and maintained in accordance with the manufacturer's operational guidelines;

(4) provide notification to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical services provider regarding the acquisition of the defibrillator, its type, and its location within the place of public assembly;

(5) mark the location of the defibrillator with a prominent sign and post a second prominent sign, at the front entrance to the place of public assembly, notifying visitors and clientele about the availability the defibrillator and its location;

(6) arrange and pay for the training of employees and volunteers in cardio-pulmonary resuscitation and the use of a defibrillator;

(7) ensure, during the hours when a public or private event or activity is taking place at the place of public assembly, that at least one employee or volunteer who has current certifications from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health, in cardio-pulmonary resuscitation and the use of a defibrillator, is on-site and available to respond to any cardiac event; and

(8) ensure that an employee requests emergency medical assistance from the appropriate first aid, ambulance, or rescue squad as soon as practicable after the defibrillator is used in response to a cardiac event.

b. The owner or operator of each place of public assembly shall develop and implement a cardiac event response protocol, which identifies:

(1) the primary and contingency procedures to be used by employees in responding to a sudden cardiac event at the place of public assembly; and

(2) the particular employees, or types of employees, who will be responsible for retrieving and using the defibrillator, starting cardio-pulmonary resuscitation, calling 911, and assisting emergency responders in reaching the individual who is experiencing the sudden cardiac event.

4. a. Any person who violates the provisions of section 3 of this act shall be liable to a civil penalty of not less than $250 for the first violation, not less than $500 for the second violation, and not less than $1,000 for the third and each subsequent violation.

b. The penalty provided by this section shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes, or a law enforcement officer having enforcement authority in the municipality, may issue a summons for a violation of the provisions of section 3 of this act, and may serve and execute all process with respect to the enforcement of this section, consistent with the Rules of Court.

c. A penalty recovered under the provisions of this section shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

5. a. As provided by section 5 of P.L.1999, c.34 (C.2A:62A-27), a place of public assembly, its owner and operator, and its employees and volunteers shall be immune from civil liability in association with the acquisition and use of a defibrillator in accordance with the provisions of this act.

b. In addition to the immunity described in subsection a. of this section, a place of public assembly, its owner and operator, and its employees and volunteers shall be immune from civil or criminal liability resulting from the malfunctioning of a defibrillator if the defibrillator has been maintained and tested in accordance with the manufacturer's operational guidelines, as provided by paragraph (3) of subsection a. of section 3 of this act.

6. The Commissioner of Health shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to implement the provisions of this act. Notwithstanding the provisions of section 3 of this act to the contrary, if the commissioner deems it appropriate, the rules and regulations adopted pursuant to this section may require the owner or operator of any place of public assembly, or the owners or operators of certain places of public assembly with high audience capacities, to maintain more than one automated external defibrillator on-site, or to ensure the on-site presence, during events and activities, of more than one person who is certified in cardio-pulmonary resuscitation and defibrillator use.

7. This act shall take effect on the first day of the third month next following enactment, except that the commissioner may take any anticipatory administrative action in advance thereof as may be necessary for the implementation of this act.

STATEMENT

This bill would require every place of public assembly in the State to maintain an automated external defibrillator (AED) on-site. The bill defines a "place of public assembly" to mean an indoor or outdoor facility, building, or other site, which has the capacity to accommodate large public assemblies of at least 1,000 people at a time, including, but not limited to, a stadium, ballpark, gymnasium, race track, field house, arena, civic center, or other similar facility used for the conduct of sporting events; and any concert hall, recital hall, theater, indoor or outdoor amphitheater, or other auditorium space used for the presentation of musical renditions or concerts. A "place of public assembly" would not include any hall owned by a church, religious organization, grange, public association, or free library.

The bill would require the owner or operator of each place of public assembly, within one year after the bill's effective date, to: 1) acquire, and maintain on-site at the place of public assembly, at least one AED, which is to remain accessible at all times when the place of public assembly is open for business; 2) store and maintain the AED in a central, unlocked location that is known and accessible to employees, and which is within reasonable proximity to the audience seating area; 3) ensure that the AED is tested and maintained in accordance with the manufacturer's operational guidelines; 4) provide notification to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical services provider regarding the acquisition of the AED, its type, and its location within the place of public assembly; 5) mark the location of the AED with a prominent sign and post a second prominent sign, at the front entrance to the place of public assembly, notifying visitors and clientele about the availability the AED, and its location; 6) arrange and pay for the training of employees and volunteers in cardio-pulmonary resuscitation and AED use; 7) ensure, during the hours when a public or private event or activity is taking place at the place of public assembly, that at least one employee or volunteer who has current certifications from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health, in cardio-pulmonary resuscitation and the AED use, is on-site and available to respond to any cardiac event; and 8) ensure that an employee requests emergency medical assistance from the

appropriate first aid, ambulance, or rescue squad as soon as practicable after the AED is used in response to a cardiac event.

The owner or operator of each place of public assembly will additionally be required to develop and implement a cardiac event response protocol, which is to identify the primary and contingency procedures to be used by employees in responding to a sudden cardiac event at the place of public assembly and the particular employees, or types of employees, who will be responsible for retrieving and using the AED, starting cardio-pulmonary resuscitation, calling 911, and assisting emergency responders in reaching the individual who is experiencing the sudden cardiac event.

Any person who violates the bill's requirements would be liable to a civil penalty of not less than $250 for the first violation, not less than $500 for the second violation, and not less than $1,000 for the third and each subsequent violation.

In accordance with existing law in this area, the bill would specify that a place of public assembly, its owner and operator, and its employees and volunteers will be immune from civil liability in association with the acquisition and use of an AED in accordance with the bill's provisions. In addition, a place of public assembly, its owner and operator, and its employees and volunteers will be immune from civil or criminal liability resulting from the malfunctioning of an AED if the AED has been maintained and tested in accordance with the manufacturer's operational guidelines, as required by the bill.

The Commissioner of Health would be required to adopt rules and regulations to implement the bill's provisions, and the bill would expressly authorize the commissioner to establish more stringent AED requirements, either in relation to all places of public assembly, or in relation to certain places of public assembly with high audience capacities, if more stringent requirements regarding the number of AEDs or the number of certified on-site staff are deemed thereby to be appropriate to facilitate the bill's purposes.