

Amendment No. 1 to HB0094

Sexton C
Signature of Sponsor

AMEND Senate Bill No. 158

House Bill No. 94*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 140, Part 4, is amended by adding the following as a new section:

68-140-410.

(a) This section shall be known and may be cited as the "Lovin Law."

(b) An owner or operator of a publicly operated or privately operated facility that is twelve thousand square feet (12,000 sq. ft.) or greater in size and open to the public must:

(1) Make available at least one (1) functional automated external defibrillator (AED) for emergency use; and

(2) Inspect and maintain the AED as required according to the manufacturer's recommendations for the AED.

(c) Notwithstanding § 63-6-218, a facility described in subsection (b) is not civilly liable for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence if the owner or operator of the facility, and any employee using the AED, comply with this section, § 68-140-408, and the rules adopted by the department of health pursuant to § 68-140-405.

(d) This section does not apply to any school to which § 49-2-122 applies.

(e) During any inspection by a municipal or county building inspector or fire chief, the state fire marshal, or any other official designated to inspect buildings or premises in a jurisdiction, the official shall ensure compliance with this section.

(f)

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(1) An owner or operator of a facility required to have an AED by this section who fails to have a functioning AED in place in the facility is subject to a civil penalty that is not to exceed fifty dollars (\$50.00) for each day of violation of this section. Each day of violation by an owner or operator is a separate violation.

(2) This subsection (f) may be enforced by an official described in subsection (e).

(3) An official authorized to enforce this section under subsection (e) may also grant the facility a grace period on request that shall not exceed two (2) weeks during which time the penalty shall not be assessed in order to provide additional time for the facility to come into compliance with this section. The penalty must not be assessed so long as the violation is corrected during the grace period.

SECTION 2. Tennessee Code Annotated, Section 68-140-405, is amended by adding the following language as a new subdivision:

() Requirements of facilities to effectuate the purposes of § 68-140-410.

SECTION 3. For purposes of rule promulgation, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2019, the public welfare requiring it.