

HOUSE BILL REPORT

ESB 5592

As Reported by House Committee On:
Health Care & Wellness
Appropriations

Title: An act relating to requiring semiautomatic external defibrillators at fitness centers.

Brief Description: Requiring semiautomatic external defibrillator at fitness centers.

Sponsors: Senators Hunt, Cleveland, Conway, Lovick, Randall, Valdez, Van De Wege and Wilson, C..

Brief History:

Committee Activity:

Health Care & Wellness: 3/14/23, 3/17/23 [DPA];
Appropriations: 3/30/23, 4/1/23 [DPA(APP w/o HCW)].

**Brief Summary of Engrossed Bill
(As Amended By Committee)**

- Requires fitness centers to acquire and maintain at least one semiautomatic external defibrillator effective January 1, 2025.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske, Davis, Macri, Orwall, Stonier, Thai and Tharinger.

Minority Report: Do not pass. Signed by 2 members: Representatives Schmick, Ranking Minority Member; Harris.

Minority Report: Without recommendation. Signed by 4 members: Representatives Hutchins, Assistant Ranking Minority Member; Barnard, Graham and Mosbrucker.

Staff: Emily Poole (786-7106).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

A person or entity that acquires a semiautomatic external defibrillator must ensure that:

- expected users receive reasonable instruction in defibrillator use and cardiopulmonary resuscitation by a course approved by the Department of Health;
- the defibrillator is maintained and tested according to the manufacturer's operational guidelines;
- upon acquiring a defibrillator, the acquirer enlists medical direction from a licensed physician in the use of the defibrillator and cardiopulmonary resuscitation;
- the acquirer notifies the local emergency medical services organization about the existence and the location of the defibrillator; and
- the defibrillator user calls 911 or its local equivalent as soon as possible after the emergency use of the defibrillator and assures that appropriate follow-up data is made available as requested by emergency medical service or other health care providers.

A person who uses a defibrillator at the scene of an emergency is immune from civil liability for any personal injury that results from any act or omission in the use of the defibrillator in an emergency setting. However, immunity from civil liability does not apply if the acts or omissions amount to gross negligence or willful or wanton misconduct.

Summary of Amended Bill:

The owner of a fitness center is required to acquire and maintain at least one semiautomatic external defibrillator on premises. The fitness center must comply with existing statutory requirements relating to semiautomatic external defibrillators, including instruction of personnel on the use of the defibrillator, maintenance of the defibrillator, and notification of the local emergency medical services organization about the location of the defibrillator.

An employee of a fitness center who has completed the required instruction on the use of the defibrillator may render emergency care or treatment on the fitness center premises. A person who uses a semiautomatic external defibrillator at the scene of an emergency is immune from civil liability.

Facilities operated by nonprofit organizations that have been granted tax-exempt status, the functions of which as fitness centers are only incidental to their overall functions, are exempt from the requirements pertaining to defibrillators until January 1, 2025.

Subject to appropriation, by July 1, 2024, the Department of Commerce must establish a four-year grant program to assist fitness centers with the requirements of acquiring and maintaining a defibrillator, including applicable training requirements.

A "fitness center" is defined as any premises used for recreation, instruction, training, physical exercise, body building, weight loss, figure development, martial arts, or other

similar activity, that offers access on a membership basis.

Amended Bill Compared to Engrossed Bill:

The amended bill establishes that facilities operated by bona fide nonprofit organizations, the functions of which as fitness centers are only incidental to their overall functions, are not excluded from the definition of "fitness center," but are exempt from the requirements relating to defibrillators until January 1, 2025. The amended bill also establishes that the purposes of the grant program to be established by the Department of Commerce include assisting fitness centers with applicable training requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Cardiac arrests are a public health crisis and a leading cause of death in the United States. Because of the low survival rate after a cardiac arrest event, every minute is critical to saving a person's life. Cardiac arrests can affect even individuals who are in good shape. Every fitness facility should have a defibrillator. Defibrillators can be life saving for individuals who have heart attacks in gyms or other types of athletic facilities. For facilities that have defibrillators, it is important that they stay up to date with certification and maintenance of the devices. Other states have laws that require at least one person in a fitness center to be trained in how to use a defibrillator.

(Opposed) None.

Persons Testifying: Senator Sam Hunt, prime sponsor; Brandon Austin; Brian Hurley, Tumwater Fire Department; Kimberly Reiter; and Karli Reiter.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness. Signed by 17 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Chopp, Davis, Fitzgibbon, Hansen, Lekanoff, Pollet, Riccelli, Ryu, Senn,

Simmons, Slatter and Tharinger.

Minority Report: Do not pass. Signed by 3 members: Representatives Chandler, Rude and Schmick.

Minority Report: Without recommendation. Signed by 7 members: Representatives Stokesbary, Ranking Minority Member; Connors, Couture, Dye, Harris, Sandlin and Steele.

Staff: Jessica Van Horne (786-7288).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Health Care & Wellness:

The amended bill removes the requirement for the Department of Commerce to establish a four-year grant program to assist fitness centers with the requirements of acquiring and maintaining a defibrillator. The amended bill also removes the provision establishing that certain nonprofit organizations are exempt from the requirements relating to defibrillators until January 1, 2025. The amended bill establishes an effective date of January 1, 2025.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on January 1, 2025.

Staff Summary of Public Testimony:

(In support) This bill was proposed in response to an incident where a family member went into cardiac arrest in a small gym that did not have a defibrillator and died as a result. There are existing programs offered by fire departments and other entities to assist with acquiring defibrillators and training individuals in how to use them. Due to the large number of available programs, it seems unnecessary to have another grant program in the Department of Commerce. However, it would be good to push out the effective date to give fitness centers time to access training and apply for grants.

(Opposed) None.

Persons Testifying: Karli Reiter and Brian Reiter.

Persons Signed In To Testify But Not Testifying: None.