

## **BILL ANALYSIS**

C.S.H.B. 808  
By: Gallego  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Sudden cardiac arrest can affect anyone at any time without warning, and athletic club members are not immune. The need to recognize and react to sudden cardiac arrest is critical, as the likelihood of successful resuscitation decreases by about 10 percent with every minute that passes during cardiac arrest. Automated electronic defibrillators can treat cardiac arrests before they become deadly and can potentially save lives if every athletic club in Texas is required to carry one.

With the number of people who exercise increasing, and the average age of athletic club visitors also increasing, the threat of cardiac arrest at an athletic club is greater now than ever. Having access to automated external defibrillators, will provide athletic club visitors a chance to be resuscitated quickly in the event of sudden cardiac arrest.

C.S.H.B. 808 requires certain athletic clubs with at least 125 members or customers to make available at each facility or location an automated external defibrillator and to ensure that at least one athletic club employee trained in the proper use of an automated external defibrillator is present during staffed business hours at each facility or location.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 808 amends the Health and Safety Code to require an athletic club to make available at each facility or location an automated external defibrillator. The bill requires an athletic club to make reasonable efforts to ensure that at least one athletic club employee trained in the proper use of an automated external defibrillator is present during staffed business hours at each facility or location. The bill exempts an athletic club or other person from liability for civil damages arising from the use, attempt to use, or failure to use an automated external defibrillator on the premises of an athletic club unless the club or the person acts in a manner that is wilful or wanton or constitutes gross negligence. The bill authorizes a person to raise any other defense to liability available under law.

C.S.H.B. 808 exempts from its provisions an athletic club that is located on the premises of a hotel and is available only to hotel guests, located on the premises of an apartment building or complex and available only to tenants of the apartment building or complex, owned and maintained by a homeowner association or neighborhood association and available only to residents in the neighborhood who pay dues, or located in a building owned by a municipality.

C.S.H.B. 808 defines "athletic club" to mean an entity that provides sports or exercise equipment, facilities, or instruction to its customers or members or to the guests of its customers or members, and provides these services to or has enrolled at least 125 customers or members.

**EFFECTIVE DATE**

September 1, 2010.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 808 omits provisions in the original imposing a civil penalty for the violation of the requirement that an athletic club make an automatic external defibrillator available and related transition provisions. The substitute adds a provision not in the original exempting certain athletic clubs from application of the bill's provisions.