

No. 2012-106

AN ACT

HB 1525

Amending the act of December 21, 1989 (P.L.672, No.87), entitled "An act providing for the regulation of health club contracts; and providing for further duties of the Bureau of Consumer Protection, the Attorney General and district attorneys," further providing for employee available to administer CPR.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 14 of the act of December 21, 1989 (P.L.672, No.87), known as the Health Club Act, is amended to read:

Section 14. Employee available to administer CPR.

(a) General rule.—[Every] *Except as provided under subsection (c.1), every* health club shall employ and have on the health club's premises during the club's hours of operation a person who is trained and certified to administer CPR.

(b) Nature of employment.—An employee who is trained and certified to administer CPR may be hired primarily to fulfill other functions for the employing health club.

(c) Number of employees certified.—If a health club is open for more than eight hours a day and more than five days a week, it shall employ more than one person who is trained and certified to administer CPR.

(c.1) Exception.—A health club that offers services during nonstaffed hours shall not be subject to the requirements of subsections (a) and (c) if the health club complies with all of the following:

(1) Every health club offering health club services during nonstaffed hours prior to the effective date of this subsection shall comply with all of the following:

(i) The portion of the premises in which members are permitted access during nonstaffed hours must meet all of the following:

(A) Consist of not more than 6,000 square feet.

(B) Meet the requirements of the municipality in which the health club is located concerning accessibility to emergency services responders from the outside of the health club.

(ii) The area specified under subparagraph (i) must be equipped with all of the following:

(A) At least one automated external defibrillator.

(B) Appropriate signage.

(C) A panic button.

(D) A 911 telephone.

(E) At least four personal security devices.

(iii) During the orientation of each new buyer, or at the time of the renewal of an existing health club membership, the health club shall provide instructions regarding the use of the health club during nonstaffed hours, including the location and use of all equipment required under subparagraph (ii).

(iv) All contracts for a new or renewal membership to the health club must contain a waiver that:

(A) Explains to the buyer that the health club may have hours during which it is not staffed.

(B) Explains to the buyer that the health club is required to have certain safety equipment, including the location and use of the equipment required under subparagraph (ii).

(C) Is signed by the buyer acknowledging that the buyer received all of the instructions required under this subsection regarding the use of the health club during nonstaffed hours, including the location and use of the safety equipment.

(2) Every health club not providing health club services during nonstaffed hours prior to the effective date of this subsection that will begin to provide health club services during nonstaffed hours after the effective date of this subsection must comply with the following:

(i) Provide notice to all existing buyers of health club contracts of the intent of the health club to provide health club services during nonstaffed hours of operation.

(ii) Provide notice to all existing buyers of health club contracts of the hours of operation during which there will not be an individual on premise who is trained and certified to administer CPR.

(iii) Obtain a signed waiver from each existing health club member that:

(A) Explains to the buyer that the health club may have hours during which it is not staffed.

(B) Explains to the buyer that the health club is required to have certain safety equipment, including the location and use of the equipment required under paragraph (1)(ii).

(C) Is signed by the buyer acknowledging that the buyer received all of the instructions of this subsection regarding the use of the health club during nonstaffed hours, including the location and use of the safety equipment.

(D) Provides instructions to the buyer regarding the use of the health club during nonstaffed hours of operation, including the location and use of all equipment required under paragraph (1)(ii).

(iv) Provide notice to all existing buyers of health club contracts that:

(A) Within at least 60 days prior to the provision of health club services during nonstaffed hours, the provision of health club services during nonstaffed hours is a material change in the contract.

(B) The contract may be terminated only within the 60-day period under clause (A).

(C) If the contract is terminated under this subparagraph, a refund will be provided for the unused portion of the remaining contract.

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

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

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

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

"Appropriate signage." *All of the following:*

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

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

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

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

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

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

"Panic button." *A wall-mounted device that, when intentionally activated by a person, sends an electronic signal informing a public safety answering point or a remote monitoring station that the person is in need of emergency services.*

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

"Public safety answering point." *A public safety answering point as defined in 35 Pa.C.S. § 5302 (relating to definitions).*

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

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

APPROVED—The 5th day of July, A.D. 2012

TOM CORBETT