

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1199 of the Regular Session

1 State of Arkansas

As Engrossed: H3/9/05 S3/17/05

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 1970

4
5 By: Representative Goss

6 By: Senator Laverty

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9 **For An Act To Be Entitled**

10 AN ACT TO REQUIRE ALL HEALTH SPAS TO PURCHASE
11 *AUTOMATED* EXTERNAL DEFIBRILLATORS; TO REQUIRE
12 THAT HEALTH SPA EMPLOYEES BE TRAINED TO OPERATE
13 *AUTOMATED* EXTERNAL DEFIBRILLATORS; TO LIMIT
14 LAWSUITS REGARDING *AUTOMATED* EXTERNAL
15 DEFIBRILLATORS; TO MAKE CONTRACTS VOIDABLE IF A
16 HEALTH SPA DOES NOT PROVIDE *AUTOMATED* EXTERNAL
17 DEFIBRILLATORS; AND FOR OTHER PURPOSES.

18
19 **Subtitle**

20 AN ACT TO REQUIRE ALL HEALTH SPAS TO
21 PURCHASE *AUTOMATED* EXTERNAL
22 DEFIBRILLATORS.

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 6 is amended
28 to add an additional section to read as follows:

29 17-95-606. Health spas.

30 (a) As used in this section, "health spa" means any person, firm,
31 corporation, organization, club, or association engaged in the sale of
32 memberships in a program of physical exercise that includes the use of one
33 (1) or more of a sauna, whirlpool, weightlifting room, massage, steam room,
34 or exercising machine or device, or engaged in the sale of the right or
35 privilege to use exercise equipment or facilities, such as a sauna,



1 whirlpool, weightlifting room, massage, steam room, or exercising machine or
2 device, including but not limited to:

3 (i) For profit businesses, firms, corporations,
4 organizations, clubs, or associations;

5 (ii) Bona fide nonprofit organizations, including, but not
6 limited to, the Young Men's Christian Association, Young Women's Christian
7 Association, or similar organizations whose functions as health spas are only
8 incidental to the overall functions and purposes;

9 (iii) Any organization primarily operated for the
10 purpose of teaching a particular form of martial arts, such as judo or
11 karate;

12 (iv) Any college or university fitness center;

13 (v) Any country club; or

14 (vi) Weight-loss or weight-control services which do
15 not provide physical exercise facilities and which do not obligate the
16 customer for more than twenty-five (25) months.

17 (b)(1) Each health spa shall have at least one (1) automated external
18 defibrillator on the premises.

19 (2) The defibrillator shall at all times be placed in the
20 location that best provides accessibility to staff, members, and guests.

21 (3) At all times that a spa is open for business, the spa shall
22 ensure that at least one (1) employee who has completed a knowledge and
23 skills course as required under § 17-95-604 is assigned to be on duty.

24 (c) No cause of action against a health spa or its employees may arise
25 in connection with the use or nonuse of an automated external defibrillator
26 unless the health spa has:

27 (1) Failed to purchase an automated external defibrillator as
28 required under this section; or

29 (2) Acted with gross negligence in the use of an automated
30 external defibrillator.

31 (d) If a health spa does not comply with this section, any contract
32 for health spa services shall be voidable at the option of the buyer.

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34 /s/ Goss

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APPROVED: 3/24/2005