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.

1	State of Arkansas	As Engrossed: H3/9/05 A Bill	
2	85th General Assembly		
3	Regular Session, 2005HOUSE BILL197		
4	Der Demostration Const		
5	By: Representative Goss		
6 7			
7 8	For An Act To Be Entitled		
9	AN ACT	TO REQUIRE ALL HEALTH SPAS TO PURCHAS	SE
10	AUTOMATED EXTERNAL DEFIBRILLATORS; TO REQUIRE		
11	THAT HEALTH SPA EMPLOYEES BE TRAINED TO OPERATE		
12	AUTOMATED EXTERNAL DEFIBRILLATORS; TO LIMIT		
13	LAWSUITS REGARDING AUTOMATED EXTERNAL		
14	DEFIBRILLATORS; TO MAKE CONTRACTS VOIDABLE IF A		
15	HEALTH SPA DOES NOT PROVIDE AUTOMATED EXTERNAL		
16	DEFIBRILLATORS; AND FOR OTHER PURPOSES.		
17			
18		Subtitle	
19	AN ACT TO REQUIRE ALL HEALTH SPAS TO		
20	PURCHASE AUTOMATED EXTERNAL		
21	DEF	IBRILLATORS.	
22			
23			
24	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:		
25			
26	SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 6 is amended		
27	to add an additional section to read as follows:		
28	<u>17-95-606. Health spas.</u>		
29	(a) As used in this section, "health spa" means any person, firm,		
30	corporation, organization, club, or association engaged in the sale of		
31	memberships in a program of physical exercise that includes the use of one		
32	(1) or more of a sauna, whirlpool, weightlifting room, massage, steam room,		
33	or exercising machine or device, or engaged in the sale of the right or		
34	privilege to use exercise equipment or facilities, such as a sauna,		
35	whirlpool, weightlifting room, massage, steam room, or exercising machine or		
36	<u>device, including but not limited to:</u>		



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karate;

(i) For profit businesses, firms, corporations, organizations, clubs, or associations; (ii) Bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association, Young Women's Christian Association, or similar organizations whose functions as health spas are only incidental to the overall functions and purposes; (iii) Any organization primarily operated for the purpose of teaching a particular form of martial arts, such as judo or (iv) Any college or university fitness center; (v) Any country club; or (vi) Weight-loss or weight-control services which do not provide physical exercise facilities and which do not obligate the customer for more than twenty-five (25) months. (b)(1) Each health spa shall have at least one (1) automated external defibrillator on the premises. (2) The defibrillator shall at all times be placed in the location that best provides accessibility to staff, members, and guests. (3) At all times that a spa is open for business, the spa shall ensure that at least one (1) employee who has completed a knowledge and skills course as required under § 17-95-604 is assigned to be on duty. (c) No cause of action against a health spa or its employees may arise in connection with the use or nonuse of an automated external defibrillator unless the health spa has: (1) Failed to purchase an automated external defibrillator as required under this section; or (2) Acted with gross negligence in the use of an automated external defibrillator.

## 29 (d) If a health spa does not comply with this section, any contract 30 for health spa services shall be voidable at the option of the buyer. 31

/s/ Goss

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