

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
2 85th General Assembly
3 Regular Session, 2005
4

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

A Bill

HOUSE BILL 1970

5 By: Representative Goss
6 By: *Senator Laverty*
7

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.

Subtitle

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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,
36 whirlpool, weightlifting room, massage, steam room, or exercising machine or



1 device, including but not limited to:

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

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

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

11 (iv) Any college or university fitness center;

12 (v) Any country club; or

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

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

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

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

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

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

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

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

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33 /s/ Goss
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