

# Requirements for AEDs at Gyms and Health Clubs

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## Issue

Which states require gyms or health clubs to have automatic external defibrillators (AEDs)?

## Summary

At least 13 states require AEDs at some or all gyms and similar facilities.

These laws vary in their applicability. For example, a few states only require AEDs in gyms over a certain size (e.g., New York's requirement only applies to facilities with 500 or more members). Pennsylvania's requirement only applies to gyms that offer services during non-staffed hours; other gyms in the state are required to have a staff member on-site trained and certified in CPR.

Most states with these laws also require that at least one staff member trained in AED use be on duty during business hours. In addition, most of these states exempt the facility or AED users from liability in certain circumstances.

Some other states have laws specifically addressing AEDs at gyms and similar facilities, while not requiring them. For example, Nevada law provides that if a health club chooses to have an AED, the club must (1) ensure that the device is inspected and maintained on a regular basis and (2) require any employee who will use it to complete a training course ([Nev. Rev. Stat. § 450B.620](#)).

### *Automatic External Defibrillator (AED)*

*Generally, an AED is a portable automatic device used to restore normal heart rhythm to people having heart attacks.*

*If the heart is in ventricular fibrillation (i.e., beating abnormally), the device recommends a defibrillating shock to restore a regular rhythm. The shock is delivered through adhesive electrode pads.*

## Laws Requiring AEDs at Gyms and Health Clubs

Table 1 below lists states we identified with laws requiring AEDs in at least some gyms or similar facilities. Please note that this list may not be exhaustive.

**Table 1: States Requiring AEDs in Some or All Gyms or Health Clubs**

State	Statutory Citation
Arkansas	<a href="#">Ark. Code § 20-13-1306</a>
California	<a href="#">Cal. Health &amp; Safety Code § 104113</a>
Illinois	<a href="#">210 Ill. Comp. Stat. 74/1</a> et seq.
Indiana	<a href="#">Ind. Code § 24-4-15-1</a> et seq.
Louisiana	<a href="#">La. Rev. Stat. § 40:1137.3</a>
Massachusetts	<a href="#">Mass. Gen. Laws ch. 93, § 78A</a> et seq.
Michigan	<a href="#">Mich. Comp. Laws § 333.26311</a> et seq.
New Jersey	<a href="#">N.J. Stat. §§ 2A:62A-30</a> et seq. & <a href="#">2A:62A-27</a>
New York	<a href="#">N.Y. Gen. Bus. Law § 627-A</a> et seq.; <a href="#">N.Y. Pub. Health Law §§ 3000-A &amp; 3000-B</a>
Oregon	<a href="#">Or. Rev. Stat. §§ 431A.450 &amp; 30.802</a>
Pennsylvania	<a href="#">73 Penn. Stat. § 2174</a> et seq.
Rhode Island	<a href="#">R.I. Gen. Laws § 5-50-12</a>
Virginia	<a href="#">VA Code Ann. §§ 59.1-296.2:2 &amp; -309</a>

Table 2 summarizes the laws in a selection of states, including their applicability, staff training requirements, exemptions from liability, and other issues (e.g., penalties for violations).

**Table 2: Selected Laws in States Requiring an AED at Gyms or Health Clubs**

Applies To	Staff & Training	Exemption from Liability	Other
<b>Arkansas</b> ( <a href="#">Ark. Code § 20-13-1306</a> )			
Health spas	<p>Must have at least 1 employee on duty during staffed business hours who is trained in AED use and CPR</p> <p>If facility is unstaffed, certain other requirements must be met, including a sign indicating the AED's location and instructions in how to use it</p>	<p>No cause of action against a health spa or its employees may arise in connection with the use or nonuse of an AED unless the spa (1) failed to purchase an AED as required or (2) acted with gross negligence in the AED's use</p>	<p>AED must be placed in the location that best provides accessibility to staff, members, and guests</p> <p>If a health spa fails to comply with the law's requirements, the member has the option to void his or her contract</p>

Table 2 (continued)

Applies To	Staff & Training	Exemption from Liability	Other
<b>Illinois</b> ( <a href="#">210 Ill. Comp. Stat. 74/1</a> et seq.)			
Physical fitness facilities serving 100 or more people, with certain exemptions (e.g., hotel facilities)	<p>Must have at least 1 trained AED user on staff during staffed business hours</p> <p>Trained employee generally must have completed course in AED use in accordance with standards of a nationally recognized organization or under state-adopted rules</p> <p>Public Health Dept. must adopt training rules</p>	<p>No right of action for use or non-use of AED in a covered facility, except for willful or wanton misconduct, as long as the facility (1) has an AED and maintains it according to the Public Health Department's rules and (2) has adopted a medical emergency plan</p> <p>Applies the same exemptions from civil liability in connection with an AED's purchase or use as applies under the state's <a href="#">Automated External Defibrillator Act</a> (e.g., an AED user who meets certain requirements is exempt from liability except for willful or wanton misconduct)</p>	<p>Public Health Dept. can adopt rules requiring more AEDs on premises based on facility size and number of people using it</p> <p>Facilities must ensure AED is properly tested and maintained</p> <p>Facilities that violate the law face warning then potential civil fines of \$1,500 to \$2,000 for 2<sup>nd</sup> violation and \$2,000 or more for subsequent violations</p>
<b>Massachusetts</b> ( <a href="#">Mass. Gen. Laws ch. 93, § 78A</a> et seq.)			
Health clubs	<p>Must have at least 1 trained employee or volunteer on site during staffed business hours</p> <p>Trained individual must have unexpired evidence of completing course in AED use and CPR that meets or exceeds the standards of the American Red Cross or American Heart Association</p>	<p>No cause of action against a health club or its employees may arise in connection with the use or non-use of an AED unless there is a showing of gross negligence or willful or wanton misconduct</p>	<p>Violators face civil penalty of up to \$2,500</p>

Table 2 (continued)

Applies To	Staff & Training	Exemption from Liability	Other
<b>New Jersey</b> ( <a href="#">N.J. Stat. §§ 2A:62A-30</a> et seq. & <a href="#">2A:62A-27</a> )			
Registered health clubs	<p>Must have at least 1 trained employee on site during normal business hours</p> <p>Trained employee must hold current certification in AED operation from the American Red Cross, American Heart Association, or other state-recognized entity</p> <p>Club must arrange and pay for training</p>	<p>Clubs immune from civil or criminal liability if an AED that has been maintained and tested malfunctions</p> <p>People who meet certain requirements are immune from liability for using defibrillator, except for gross negligence or willful or wanton misconduct; failure to use one without preexisting duty to do so is not gross negligence or willful or wanton misconduct</p>	<p>AED must be kept in location that employees know and can access</p> <p>Club must test and maintain AED</p> <p>Club must notify appropriate emergency service provider about AED type and location</p> <p>Violators face civil fine of at least \$250 for 1<sup>st</sup> violation, at least \$500 for second, and at least \$1,000 for subsequent violations; penalty is paid to municipality</p>
<b>New York</b> ( <a href="#">N.Y. Gen. Bus. Law § 627-A</a> et seq.; <a href="#">N.Y. Pub. Health Law §§ 3000-A &amp; 3000-B</a> )			
Health clubs with 500 or more members	<p>Must have at least 1 employee or volunteer on premises during staffed business hours who is certified in AED operation and CPR by nationally recognized organization</p>	<p>Club or club employee who voluntarily uses AED is not liable for damages unless use is negligent, grossly negligent, or shows intentional misconduct</p>	<p>Club must maintain and test AED according to manufacturer's and any applicable government agency's standards</p> <p>Club must notify regional emergency council of AED type and location</p> <p>Club must promptly notify local emergency service providers whenever AED is used</p> <p>Violators face civil penalty of up to \$2,500 for certain violations</p>

Table 2 (continued)

Applies To	Staff & Training	Exemption from Liability	Other
Rhode Island ( <a href="#">R.I. Gen. Laws § 5-50-12</a> )			
Registered health clubs	<p>Must have at least 1 employee on duty per shift who is trained in AED use and CPR by American Heart Association or comparable state-recognized organization</p> <p>(Clubs are exempt from employee training requirement if they operate facility on a key-pass basis with no attending employees at any time)</p>	Club and employees are immune from liability except if club failed to purchase AED or if willful or wanton negligence is shown	<p>AED must be deployed in a way that best provides accessibility to staff, members, and guests</p> <p>Knowing or willful violators face registration suspension or revocation</p>

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