

Enrolled
Senate Bill 1033

Sponsored by Senator ATKINSON; Senators BOQUIST, GIROD, KRUSE, MORSE, WHITSETT, WINTERS (Pre-session filed.)

CHAPTER

AN ACT

Relating to automated external defibrillators in schools; creating new provisions; and amending ORS 431.680 and 431.690.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Each school campus in a school district, private school campus and public charter school campus shall have on the premises at least one automated external defibrillator.

SECTION 2. A school in a school district, private school or public charter school shall comply with section 1 of this 2010 Act on or before January 1, 2015.

SECTION 3. ORS 431.680 is amended to read:

431.680. (1) As used in this section, "health club" means an indoor facility:

(a) With the primary purpose of offering exercise or athletic activities that patrons or members may participate in for a fee; and

(b) That typically has at the facility on a regular business day 100 or more persons who are employees, patrons or members participating in the exercise or athletic activities offered at the facility.

(2) The owner of a health club shall have on the premises at all times at least one automated external defibrillator.

(3) Subsection (2) of this section does not apply to[.]

[(a) Any facility owned by an education service district, public charter school or school district; or]

[(b) any] a facility owned by a hotel as defined in ORS 699.005.

SECTION 4. ORS 431.690 is amended to read:

431.690. (1) As used in this section, "place of public assembly" means a facility that has 50,000 square feet or more of floor space and where:

(a)(A) The public congregates for purposes such as deliberation, shopping, entertainment, amusement or awaiting transportation; or

(B) Business activities are conducted; and

(b) At least 25 individuals congregate on a normal business day.

(2) Notwithstanding ORS 431.680 [(3)(b)] (3), the owner of a place of public assembly shall have on the premises at least one automated external defibrillator.

(3)(a) Notwithstanding the requirements of ORS 30.802, a person may not bring a cause of action against the owner of a place of public assembly who complies with subsection (2) of this section for

injury, death or loss that results from acts or omissions involving the use, attempted use or nonuse of an automated external defibrillator.

(b) Nothing in this subsection limits the liability of an owner for damages resulting from the owner's gross negligence or reckless, wanton or intentional misconduct.

(4) Subsections (2) and (3) of this section do not apply to[.]

[(a) A facility owned by a school district, education service district, private school or public charter school; or]

[(b)] a facility primarily used for worship or education associated with worship.

SECTION 5. If Senate Bill 1006 becomes law, section 3 of this 2010 Act (amending ORS 431.680) is repealed and ORS 431.680, as amended by section 2, chapter __, Oregon Laws 2010 (Enrolled Senate Bill 1006), is amended to read:

431.680. (1) As used in this section, "health club" means an indoor facility:

(a) With the primary purpose of offering exercise or athletic activities that patrons or members may participate in for a fee; and

(b) That typically has at the facility on a regular business day 50 or more persons who are employees, patrons or members participating in the exercise or athletic activities offered at the facility.

(2) The owner of a health club shall have on the premises at all times at least one automated external defibrillator.

(3) Subsection (2) of this section does not apply to[.]

[(a) A facility owned by an education service district, public charter school or school district; or]

[(b)] a facility owned by a hotel as defined in ORS 699.005.

SECTION 6. If Senate Bill 1006 becomes law, section 4 of this 2010 Act (amending ORS 431.690) is repealed and ORS 431.690, as amended by section 1, chapter __, Oregon Laws 2010 (Enrolled Senate Bill 1006), is amended to read:

431.690. (1) As used in this section, "place of public assembly" means a single building that has 50,000 square feet or more of indoor floor space and where:

(a)(A) The public congregates for purposes such as deliberation, shopping, entertainment, amusement or awaiting transportation; or

(B) Business activities are conducted; and

(b) At least 50 individuals congregate on a normal business day.

(2) Notwithstanding ORS 431.680 [(3)(b)] (3), the owner of a place of public assembly shall have on the premises at least one automated external defibrillator.

(3) Notwithstanding subsection (2) of this section:

(a) A community college or a state institution of higher education listed in ORS 352.002 shall have at least one automated external defibrillator on the campus of the community college or institution; and

(b) If the campus of the community college or institution of higher education contains more than one place of public assembly, the community college or institution shall ensure that at least one automated external defibrillator is readily available to each place of public assembly.

(4) Subsection (2) of this section does not apply to[.]

[(a) A building owned by a school district, education service district, private school or public charter school; or]

[(b)] a building primarily used for worship or education associated with worship.

Passed by Senate February 16, 2010

Repassed by Senate February 24, 2010

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Secretary of Senate

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President of Senate

Passed by House February 23, 2010

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Speaker of House

Received by Governor:

.....M,....., 2010

Approved:

.....M,....., 2010

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Governor

Filed in Office of Secretary of State:

.....M,....., 2010

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Secretary of State