

**B-Engrossed**  
**Senate Bill 1033**

Ordered by the House February 22  
Including Senate Amendments dated February 12 and House Amendments  
dated February 22 to resolve conflicts

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

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires each school campus to have automated external defibrillator on premises. Requires compliance on or before January 1, 2015.

**A BILL FOR AN ACT**

1  
2 Relating to automated external defibrillators in schools; creating new provisions; and amending ORS  
3 431.680 and 431.690.

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

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

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

10 **SECTION 3.** ORS 431.680 is amended to read:

11 431.680. (1) As used in this section, "health club" means an indoor facility:

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

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

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

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

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

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

23 **SECTION 4.** ORS 431.690 is amended to read:

24 431.690. (1) As used in this section, "place of public assembly" means a facility that has 50,000  
25 square feet or more of floor space and where:

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Business activities are conducted; and

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

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

5 (3)(a) Notwithstanding the requirements of ORS 30.802, a person may not bring a cause of action  
6 against the owner of a place of public assembly who complies with subsection (2) of this section for  
7 injury, death or loss that results from acts or omissions involving the use, attempted use or nonuse  
8 of an automated external defibrillator.

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

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

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

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

15 **SECTION 5. If Senate Bill 1006 becomes law, section 3 of this 2010 Act (amending ORS**  
16 **431.680) is repealed and ORS 431.680, as amended by section 2, chapter \_\_, Oregon Laws 2010**  
17 **(Enrolled Senate Bill 1006), is amended to read:**

18 431.680. (1) As used in this section, "health club" means an indoor facility:

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

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

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

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

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

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

29 **SECTION 6. If Senate Bill 1006 becomes law, section 4 of this 2010 Act (amending ORS**  
30 **431.690) is repealed and ORS 431.690, as amended by section 1, chapter \_\_, Oregon Laws 2010**  
31 **(Enrolled Senate Bill 1006), is amended to read:**

32 431.690. (1) As used in this section, "place of public assembly" means a single building that has  
33 50,000 square feet or more of indoor floor space and where:

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

36 (B) Business activities are conducted; and

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

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

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

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

44 (b) If the campus of the community college or institution of higher education contains more than  
45 one place of public assembly, the community college or institution shall ensure that at least one

1 automated external defibrillator is readily available to each place of public assembly.

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

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

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

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