

# Senate Bill 1033

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 **as introduced**.

Requires schools to have automated external defibrillators on premises.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

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

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

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

7 **SECTION 2.** ORS 431.680 is amended to read:

8 431.680. (1) As used in this section, "health club" means an indoor facility:

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

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

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

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

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

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

20 **SECTION 3.** ORS 431.690 is amended to read:

21 431.690. (1) As used in this section, "place of public assembly" means a facility that has 50,000  
22 square feet or more of floor space and where:

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

25 (B) Business activities are conducted; and

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

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

29 (3)(a) Notwithstanding the requirements of ORS 30.802, a person may not bring a cause of action  
30 against the owner of a place of public assembly who complies with subsection (2) of this section for  
31 injury, death or loss that results from acts or omissions involving the use, attempted use or nonuse

**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 of an automated external defibrillator.

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

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

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

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

8 **SECTION 4. This 2010 Act being necessary for the immediate preservation of the public**  
9 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**  
10 **on its passage.**

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