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**BROOME COUNTY LEGISLATURE  
SPECIAL SESSION  
SEPTEMBER 4, 2007**

The Legislature convened at 5:00 p.m. with a call to order by the Chair, Mark R. Whalen. The Clerk, Eric S. Denk, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1 (Keibel).

The Chair, Mr. Whalen, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by an invocation by Ms. Buchta.

**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 415**

**Introduced by:** County Administration Committee

**Seconded by:** Mr. Hutchings

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 6 OF 2007, ENTITLED "A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE (REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC EXTERNAL DEFIBRILLATORS"**

WHEREAS, each year, more than 250,000 Americans die from sudden cardiac arrest, and

WHEREAS, according to medical experts, the key to survival is timely initiation of a "Chain of Survival", including cardio-pulmonary resuscitation (CPR), and

WHEREAS, because of recent technological advances, a portable lifesaving device called an Automated External Defibrillator, or AED, has become an important medical tool, and

WHEREAS, the AED guides the user through the process by audible or visual prompts without requiring any discretion or judgment, and

WHEREAS, the American Heart Association notes that with broad deployment of AEDs among the trained responders, as many as 50,000 deaths due to sudden cardiac arrest could be prevented each year, and

WHEREAS, New York State has a Good Samaritan Law which protects "any [lay] person who voluntarily and with out expectation of monetary compensation renders first aid or emergency treatment..." from liability against negligence, and<sup>[2]</sup>

WHEREAS, requiring places of public assembly in Broome County to provide and maintain an automatic external defibrillator and provide a person trained in the use of said AED will promote the public health and welfare and may help reduce the incidence of death due to sudden cardiac arrest, ~~[now, therefore be it]~~ and

**WHEREAS, an owner of such a facility may ensure that his or her facility is in compliance either by directly supplying the AED and trained personnel or requiring an organization using the facility to provide the AED and trained personnel, now, therefore be it.**

RESOLVED, that Local Law Intro No. 6 of 2007 entitled "**A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE (REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC EXTERNAL DEFIBRILLATORS**" be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all applicable statutes and laws pertaining thereto:

**A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE  
(REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC  
EXTERNAL DEFIBRILLATORS**

BE IT ENACTED, by the Legislature of the County of Broome as follows:

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Section 1.  
Part IV of the Broome County Charter and Code, Chapter 168 is hereby amended to add Article IX as follows:

Article IX – Automated External Defibrillators

Section 168-45 - Definitions:

- A. AED – an automated external defibrillator.
- B. Places of Public Assembly shall be those places of public or private assembly or employment ~~[with an occupancy capacity of at least five hundred people,]~~ and shall include all facilities used for conducting recreational and sporting events, ~~gymnasiums, theaters, business, malls, and social organizations~~ **[during a single event, at which five hundred or more individuals are in attendance at any given moment in time.]**.
- C. Municipal Recreation Fields or Facilities shall be those field or facilities used by youth and adult organizations for sporting events **[having a capacity of at least four hundred persons including spectators and participants in games or events.]**.
- D. Golf Courses shall be all golf courses regardless of size and number of holes including municipal, public and private courses.
- E. Youth Organizations shall be those organizations with enrollment or membership of two hundred or more persons.
- F. Fitness/Heath Clubs shall be those fitness/health clubs with a membership of two hundred or more persons.
- G. Schools shall be those schools, whether public or private, with an enrollment of two hundred or more students.
- H. Adult Residential Facility shall be **adult homes and assisted living programs** ~~[a facility with twenty or more residential dwelling units.]~~ **licensed by New York State law and skilled nursing facilities certified by New York State law that offer medical or custodial care provided in conjunction with housing.**

Section 168-46 – Facilities/Organizations Required to Have an AED on Site and a Person Available who is Trained in CPR and the use of an AED.

- A. All places of public ~~for private~~ assembly ~~for employment including all facilities used for conducting recreational and sporting events, gymnasiums, theaters, business, malls, and social organizations~~ during ~~[a single]~~ an event at which five hundred or more individuals are in attendance at any given **moment in time.**
- B. Golf courses **during hours of operation.**
- C. All youth organizations during all sponsored sporting or recreational events **at which five hundred or more individuals are in attendance at any given moment in time** ~~[attended by four hundred or more individuals]~~ including participants, officials and spectators.
- D. All Fitness/Heath Clubs ~~[with membership of two hundred or more persons]~~ during hours of operation.
- E. All schools, public or private, during regular school hours and for extra curricular activities **at which five hundred or more individuals are in attendance at any given moment in time** ~~[attended by four hundred or more individuals.]~~.
- F. Adult residential facilities **consisting of twenty or more residential dwelling units during hours of operation.**

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Section 168-47 – Facilities/Organizations Required to Have an AED available.

A. All municipal recreation fields or facilities during events **at which five hundred or more individuals are in attendance at any given moment in time** ~~{attended by five hundred or more individuals in attendance at any given moment in time}~~ including participants, officials and spectators.

Section 168-48 – Investigations; Enforcement; Penalties.

Article VII of this Chapter shall apply

Section 168-49 – Waivers.

Those entities subject to the requirements of this Article that do not have an AED on site and a person trained in CPR and the use of an AED available on the effective date of this Article shall have six months from the effective date of this Article to comply with said requirements. Prior to the expiration of said six month period the Broome County Commissioner/Director of Health, upon application of the entity, may waive compliance with this Article for an additional period of six months.

Section 168-50 – Limitation of Liability.

Section 225(5-b)(e) of the New York Public Health Law shall ~~be~~ apply to any public access defibrillation provider or any employee or other agent of the provider who in accordance with the provisions of the Public Health Law and this local law voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED which has been made available pursuant to the requirements of this local law or the New York Public Health Law.

Section 168-51 – Inter-agency Cooperation.

All schools are encouraged to make their AED's available to community groups when non-sponsored events take place at their facilities. Troop C of the New York State Police when responding to incidents in Broome County is requested to provide an AED and trooper trained in its use. **All places of worship are encouraged to have an AED and trained operator present during substantially attended events. Other law enforcement agencies in Broome County are encouraged to equip their patrols with an AED and train their personnel in its proper use.**

**Section 168-52 – Responsibility for Compliance.**

It shall be the responsibility of the owner of a facility required under Section 168-46 or 168-47 of this Article to ensure that his or her facility is in compliance either by directly supplying the AED and trained personnel or by requiring an organization using the facility to provide the AED and trained personnel.

Section 2. This Local Law shall become effective upon filing with the Secretary of State.

Material in [brackets] deleted

Material underlined added

**Carried.** Aye-12, Nay-6 (Schofield, Shafer, Black, Howard, Kuzel, Mather), Absent-1 (Keibel)

Mr. Schofield made a motion to adjourn, seconded by Mr. Garnar. **Motion to adjourn carried.** The meeting was adjourned at 5:20 p.m.

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