



An Bille Sláinte Poiblí (Infhaighteacht Dífhibrileoírí), 2013
Public Health (Availability of Defibrillators) Bill 2013

Mar a tionscnaíodh
As initiated



**AN BILLE SLÁINTE POIBLÍ (INFHAIGHTEACHT DÍFHIBRILEOIRÍ), 2013
PUBLIC HEALTH (AVAILABILITY OF DEFIBRILLATORS) BILL 2013**

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ACTS REFERRED TO

Safety, Health and Welfare at Work Act 2005 (No. 10)



AN BILLE SLÁINTE POIBLÍ (INFHAIGHTEACHT DÍFHIBRILEOIRÍ), 2013
PUBLIC HEALTH (AVAILABILITY OF DEFIBRILLATORS) BILL 2013

Bill

entitled

An Act to require the owners of particular types of premises or venues to install and maintain defibrillators so that they are available for public use and to require such occupiers to erect signage and make information available online regarding the location of such defibrillators and to require the occupiers to provide training to persons on the premises; to require the maintenance of a register in each premises concerning defibrillators located therein; to provide appropriate exemptions from civil liability; to provide for offences; to empower the health and safety authority to supervise and ensure compliance with this Act and for that purpose to amend the Safety, Health and Welfare at Work Act 2005; and to provide for related matters. 5 10

Be it enacted by the Oireachtas as follows:

PART 1 15

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Public Health (Availability of Defibrillators) Act 2013.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions. 20

Interpretation

2. In this Act—
 - “Authority” means the Health and Safety Authority established under the Safety, Health and Welfare at Work Act 2005; 25
 - “defibrillator” means an automated external defibrillator or a semi-automated external defibrillator;
 - “designated place” includes—
 - (a) the following places—

- (i) a hospital,
- (ii) a medical practice,
- (iii) a place of worship,
- (iv) a place of hospitality,
- (v) an entertainment venue, 5
- (vi) a sports venue,
- (vii) a sports club,
- (viii) a train station,
- (ix) a bus station,
- (x) a ferryport, 10
- (xi) an airport or aerodrome,
- (xii) a commercial aircraft,
- (xiii) a passenger ferry,
- (xiv) a supermarket,
- (xv) a shopping centre, 15
- (xvi) a Garda station,
- (xvii) a courthouse,
- (xviii) the public area of a local authority office;
- (b) the following places at which there is a regular attendance of in excess of 100 persons per day— 20
 - (i) an educational establishment,
 - (ii) a museum,
 - (iii) an art gallery,
 - (iv) sporting events,
 - (v) exhibitions; 25
- (c) other places prescribed by the Minister having regard for the need to preserve and protect public health;

“Minister” means the Minister for Health;

“premises” includes land, buildings and vehicles.

Regulations 30

3. (1) The Minister may make regulations prescribing any matter which is referred to in this Act as prescribed or to be prescribed or in relation to any matter referred to in this Act as the subject of regulations or for the purposes of enabling any provision of this Act to have full effect.

- (2) Every regulation or order made by the Minister shall be laid before each House of the Oireachtas as soon as practicable after they are made and, if a resolution annulling the regulation, order or rules is passed by either House within the next subsequent 21 days on which that House has sat after the regulation, order or rules are laid before it, the regulation, order or rules shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 5
- (3) Regulations made under this Act may—
- (a) include such consequential, incidental, transitional or supplementary provisions as may be considered by the Minister to be necessary or appropriate for the purposes of this Act, and 10
- (b) apply, either generally or by reference, to a specified class or classes of persons or category or categories of recognised school or to any other matter as may be considered by the Minister to be appropriate.

PART 2

PROVISION OF DEFIBRILLATORS 15

Installation of defibrillators

4. (1) The owner of a designated place shall ensure that one or more defibrillators are installed and maintained at the designated place in accordance with regulations made by the Minister.
- (2) The Minister may make regulations prescribing the number of defibrillators to be installed in a designated place by reference to— 20
- (a) the capacity of the premises,
- (b) the actual projected number of users of the premises,
- (c) the floor area of the premises,
- (d) the nature of business or activity conducted at the premises. 25

Availability of defibrillator

5. A defibrillator that is required to be installed under *section 4* must be easily accessible and be available for use by members of the public.

Posting of signs

6. (1) The owner of a designated place at which a defibrillator is installed under this Act shall post, and keep continuously displayed, signs about the location and use of the defibrillator. 30
- (2) The Minister may make regulations prescribing—
- (a) the frequency and form of signage required under *subsection (1)*,
- (b) the information which the owner of a designated place is required to display at 35

each entrance to the premises, and

- (c) the information which the owner of a designated place is required to publish on any relevant website relating to the designated place.

Maintenance and testing of defibrillators

- 7. The owner of a designated place must ensure that a defibrillator required to be installed under *section 4* is maintained and tested in accordance with the manufacturer’s guidelines and with any other requirements as may be prescribed. 5

Notice to be given if defibrillator moved or removed

- 8. Where a defibrillator registered under this Act is moved to a different location at the designated place, or is removed from the designated place for any reason, the owner of the designated place shall notify the Authority as soon as possible thereafter of that fact. 10

Register of defibrillators

- 9. The owner of a designated place at which a defibrillator is installed under this Act shall maintain a register, in a prescribed form, of—
 - (a) the exact location at which the defibrillator is installed, 15
 - (b) the date of installation,
 - (c) the date of testing,
 - (d) details of any maintenance or repair,
 - (e) instances of usage, and
 - (f) any other particulars prescribed by the Minister. 20

PART 3

TRAINING IN USE OF DEFIBRILLATORS

Training for users of defibrillators

- 10. (1) An owner of a designated place shall ensure that training is provided to a sufficient number of persons employed or engaged therein in respect of the correct use of a defibrillator. 25
- (2) The Minister may make regulations—
 - (a) providing guidance on the appropriate number of persons employed or engaged at a designated place who shall be trained in the correct use of a defibrillator,
 - (b) prescribing the frequency at which re-training should be undertaken, 30
 - (c) providing guidance on the course content for the training of persons in the correct use of a defibrillator.

Records of training provided

11. The owner of a designated place at which a defibrillator is installed under this Act shall maintain a log, in a prescribed form, of the training which has been provided to persons employed or engaged therein in the correct use of a defibrillator.

PART 4

5

REMIT OF HEALTH AND SAFETY AUTHORITY

Extension of functions of Authority

12. (1) The Safety, Health and Welfare at Work Act 2005 is amended in subsection (1) of section 34 by inserting the following after paragraph (c)—
- “(ca) to monitor compliance with the requirements of the *Public Health (Availability of Defibrillators) Act 2013*.”. 10
- (2) The Safety, Health and Welfare at Work Act 2005 is amended in subsection (1) of section 64 by inserting the following after paragraph (d)—
- “(da) inspect a premises and examine records for the purpose of monitoring compliance with the *Public Health (Availability of Defibrillators) Act 2013*.”. 15
- (3) The Safety, Health and Welfare at Work Act 2005 is amended in Part 1 of Schedule 2 by inserting the following—
- “*No. - of 2013 Public Health (Availability of Defibrillators) Act 2013*”. 20

PART 5

PROTECTION FROM CIVIL LIABILITY

Protection from civil liability — owner or occupier of a designated place

13. (1) Any person who owns a designated place where a defibrillator is made available for use and who acts in good faith with respect to the availability or use of the defibrillator is exempt from civil liability for any harm or damage that may occur from the use or attempted use of the defibrillator. 25
- (2) *Subsection (1)* shall not exempt an occupier from civil liability in circumstances where— 30
- (a) the person acts with gross negligence with respect to making the defibrillator available;
- (b) the person fails to properly maintain the defibrillator; or
- (c) the premises where the defibrillator is made available for use is a hospital, medical practice or other healthcare facility. 35

Protection from civil liability — user of defibrillator

14. (1) A person to whom this subsection applies who, in good faith, voluntarily and without expectation of gain or reward, uses, attempts to use or assists in the use of a defibrillator on an individual experiencing an emergency is not liable in damages for injury or death caused by the person’s acts or omissions while using, attempting to use or assisting in the use of the defibrillator, unless the person is grossly negligent. 5
- (2) *Subsection (1)* applies to—
- (a) a health professional, if the health professional does not use the defibrillator at a hospital or other place having appropriate health care facilities and equipment for the purpose of defibrillation, and 10
 - (b) an individual, other than a health professional, who uses a defibrillator at the immediate scene of an emergency.
- (3) In this section, “emergency” means a situation in which the behaviour of an individual reasonably leads another to believe that the first individual is experiencing a life-threatening event that requires the provision of immediate care to assist the heart or other cardiopulmonary functioning of that person. 15

Scope of liability protection

15. For the avoidance of doubt, *sections 13* and *14* apply irrespective of whether or not the defibrillator was required to be installed under this Act.

Liability protection for officials

16. No action or proceeding may be brought against the Authority for anything done or omitted to be done, in good faith, in the exercise or intended exercise of a power or duty under this Act. 20

PART 6

OFFENCES AND PENALTIES

Offences and penalties

17. (1) A person is guilty of an offence if the person—
- (a) fails to install a defibrillator in accordance with *section 4*;
 - (b) fails to make a defibrillator available for use in accordance with *section 5*;
 - (c) fails to maintain or test a defibrillator in accordance with *section 7*; 30
 - (d) fails to maintain records relating to defibrillators in accordance with *section 9*;
 - (e) fails to ensure training is provided for the use of a defibrillator in accordance with *section 10*; or
 - (f) fails to maintain records of training in accordance with *section 11*.
- (2) A person who is guilty of an offence under *subsection (1)* is liable— 35

- (a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to both, and
 - (b) on conviction on indictment to a fine not exceeding €10,000 or imprisonment for a term not exceeding 3 years or to both.
- (3) Where an offence referred to in *subsection (1)* has been committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, is guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 5 10
- (4) Where the affairs of a body corporate are managed by its members, *subsection (3)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate. 15

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht dá cheangal ar úinéirí cineálacha áirithe áitreabh nó ionad dífhibrileoirí a shuiteáil agus a chothabháil ionas go mbeidh siad ar fáil lena n-úsáid ag an bpobal agus dá cheangal ar na háititheoirí sin comharthaí a thógáil agus faisnéis a chur ar fáil ar-líne i dtaca le suíomh na ndífhibrileoirí sin agus dá cheangal ar na háititheoirí oiliúint a chur ar fáil do dhaoine san áitreabh; dá cheangal clár a chothabháil i ngach áitreabh maidir le dífhibrileoirí atá san áitreabh; do dhéanamh socrú maidir le díolúintí cuí ó dhliteanas sibhialta; do dhéanamh socrú maidir le cionta; dá chumasú don Údarás Sláinte agus Sábháilteachta comhlíonadh an Achta seo a mhaoirsiú agus a chinntiú agus chun na críche sin do leasú an Achta um Shábháilteacht, Sláinte agus Leas ag an Obair, 2005; agus do dhéanamh socrú i dtaobh nithe gaoimhara.

*Na Seanadóirí Feargal Ó Cuinn, Sean D. Barrett,
Sean Ó Coróin, Rónán Mullen agus David Norris a
thug isteach,*

8 Bealtaine, 2013

BILL

(as initiated)

entitled

An Act to require the owners of particular types of premises or venues to install and maintain defibrillators so that they are available for public use and to require such occupiers to erect signage and make information available online regarding the location of such defibrillators and to require the occupiers to provide training to persons on the premises; to require the maintenance of a register in each premises concerning defibrillators located therein; to provide appropriate exemptions from civil liability; to provide for offences; to empower the health and safety authority to supervise and ensure compliance with this Act and for that purpose to amend the Safety, Health and Welfare at Work Act 2005; and to provide for related matters.

*Introduced by Senators Feargal Quinn, Sean D.
Barrett, John Crown, Rónán Mullen and David
Norris,*

8th May, 2013
