

Illinois AED laws

State Law Overview

Requirements	✓ or ✗	Reference
State specific Rx required*	✗	
Good Samaritan protection for UNTRAINED users	✓	210 ILCS 50/3.150, § 745 ILCS 49/12
Good Samaritan protection for TRAINED users only	✗	
Medical Direction required	✗	
State Specific Medical Direction required	✗	
AED routinely maintained and/or tested	✓	§ 410 ILCS 4/20, § 525.600
Training required for expected users	✓	§ 410 ILCS 4/20, § 525.400, § 525.600
Response Plan or Protocols	✗	
Notification to local 911/Dispatch agency	✓	§ 410 ILCS 4/20, § 525.600
Notification to local EMS agency	✗	
Registration or notification with State or other agency	✗	
Provide Post Use date to EMS	✗	
Facilities required to have AEDs	✓	Physical Fitness Facilities § 210 ILCS 74/15 & 77 § 527, Dental offices that administer anesthesia or sedation § 225 ILCS 25/44.5, Horse Racing Facilities § 230 ILCS 5/31.2

*AEDs are regulated by the FDA as a 510(k) medical device and therefore require a prescription for purchase. Some state laws specify that this Rx must be issued by a physician licensed within that particular state.

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CHAPTER 20. EXECUTIVE BRANCH DEPARTMENT OF PUBLIC HEALTH CIVIL ADMINISTRATIVE CODE OF ILLINOIS ARTICLE 2310. DEPARTMENT OF PUBLIC HEALTH

§ 20 ILCS 2310/2310-371.5. Heartsaver AED Fund; grants

Sec. 2310-371.5. Heartsaver AED Fund; grants. Subject to appropriation, the Department of Public Health has the power to make matching grants from the Heartsaver **AED** Fund, a special fund created in the State treasury, to any school in the State, public park district, forest preserve district, conservation district, municipal recreation department, college, or university to assist in the purchase of an **Automated External Defibrillator**. Applicants for **AED** grants must demonstrate that they have funds to pay 50% of the cost of the **AEDs** for which matching grant moneys are sought. Any school, public park district, forest preserve district, conservation district, municipal recreation department, college, or university applying for the grant shall not receive more than one grant from the Heartsaver **AED** Fund each fiscal year. The State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.

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CHAPTER 70. SPECIAL DISTRICTS TRANSIT REGIONAL TRANSPORTATION AUTHORITY ACT ARTICLE III-B. COMMUTER RAIL DIVISION

§ 70 ILCS 3615/3B.25. Automated external defibrillators

Sec. 3B.25. Automated external defibrillators. The Commuter Rail Board must conduct a study concerning the installation and use of **automated external defibrillators** on passenger trains operated by the Commuter Rail Board. No later than one year after the effective date of this amendatory Act of the 97th General Assembly [[P.A. 97-85](#)], the Commuter Rail Board must report to the Governor and the General Assembly the results of the study. For the purposes of this Section, "**automated external defibrillator**" has the meaning ascribed to that term in Section 10 of the **Automated External Defibrillator Act** [[410 ILCS 4/10](#)].

CHAPTER 210. HEALTH FACILITIES EMERGENCY MEDICAL SERVICES (EMS) SYSTEMS ACT

210 ILCS 50/3.150. Immunity from civil liability

Sec. 3.150. Immunity from civil liability. (a) Any person, agency or governmental body certified, licensed or authorized pursuant to this Act or rules thereunder, who in good faith provides emergency or non-emergency medical services during a Department approved training course, in the normal course of conducting their duties, or in an emergency, shall not be civilly liable as a result of their acts or omissions in providing such services unless such acts or omissions, including the bypassing of nearby hospitals or medical facilities in accordance with the protocols developed pursuant to this Act, constitute willful and wanton misconduct.

(b) No person, including any private or governmental organization or institution that administers, sponsors, authorizes, supports, finances, educates or supervises the functions of emergency medical services personnel certified, licensed or authorized pursuant to this Act, including persons participating in a Department approved training program, shall be liable for any civil damages for any act or omission in connection with administration, sponsorship, authorization, support, finance, education or supervision of such emergency medical services personnel, where the act or omission occurs in connection with activities within the scope of this Act, unless the act or omission was the result of willful and wanton misconduct.

(c) Exemption from civil liability for emergency care is as provided in the Good Samaritan Act [[745 ILCS 49/1](#) et seq.].

(d) No local agency, entity of State or local government, or other public or private organization, nor any officer, director, trustee, employee, consultant or agent of any such entity, which sponsors, authorizes, supports, finances, or supervises the training of persons in the use of cardiopulmonary resuscitation, **automated external defibrillators**, or first aid in a course which complies with generally recognized standards shall be liable for damages in any civil action based on the training of such persons unless an act or omission during the course of instruction constitutes willful and wanton misconduct.

(e) No person who is certified to teach the use of cardiopulmonary resuscitation, and who teaches a course of instruction which complies with generally recognized standards for the use of cardiopulmonary resuscitation, **automated external defibrillators**, or first aid shall be liable for damages in any civil action based on the acts or omissions of a person who received such instruction, unless an act or omission during the course of such instruction constitutes willful and wanton misconduct.

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(f) No member or alternate of the State Emergency Medical Services Disciplinary Review Board or a local System review board who in good faith exercises his responsibilities under this Act shall be liable for damages in any civil action based on such activities unless an act or omission during the course of such activities constitutes willful and wanton misconduct.

(g) No EMS Medical Director who in good faith exercises his responsibilities under this Act shall be liable for damages in any civil action based on such activities unless an act or omission during the course of such activities constitutes willful and wanton misconduct.

(h) Nothing in this Act shall be construed to create a cause of action or any civil liabilities.

CHAPTER 210. HEALTH FACILITIES PHYSICAL FITNESS FACILITY MEDICAL EMERGENCY PREPAREDNESS ACT

§ 210 ILCS 74/5.5. Automated external defibrillator

Sec. 5.5. Automated external defibrillator. "**Automated external defibrillator**" or "**AED**" means an **automated external defibrillator** as defined in the **Automated External Defibrillator Act** [[410 ILCS 4/1](#) et seq.].

§ 210 ILCS 74/15. Automated external defibrillator required

Sec. 15. Automated external defibrillator required. (a) By the dates specified in Section 50 [[210 ILCS 74/50](#)], every physical fitness facility must have at least one **AED** on the facility premises. The Department shall adopt rules to ensure coordination with local emergency medical services systems regarding the placement and use of **AEDs** in physical fitness facilities. The Department may adopt rules requiring a facility to have more than one **AED** on the premises, based on factors that include the following:

- (1) The size of the area or the number of buildings or floors occupied by the facility.
- (2) The number of persons using the facility, excluding spectators.

(b) A physical fitness facility must ensure that there is a trained **AED** user on staff during staffed business hours. For purposes of this Act, "trained **AED** user" has the meaning ascribed to that term in Section 10 of the **Automated External Defibrillator Act** [[410 ILCS 4/10](#)].

(b-5) The Department shall adopt rules that encourage any non-employee coach, non-employee instructor, or other similarly situated non-employee anticipated rescuer who uses a physical fitness facility in conjunction with the supervision of physical fitness activities to complete a course of instruction that would qualify such a person as a trained **AED** user, as defined in Section 10 of the **Automated External Defibrillator Act**.

(b-10) In the case of an outdoor physical fitness facility, the **AED** must be housed in a building, if any, that is within 300 feet of the outdoor facility where an event or activity is being conducted. If there is such a building within the required distance, the building must provide unimpeded and open access to the housed **AED**, and the building's entrances shall further provide marked directions to the housed **AED**.

(b-15) Facilities described in paragraph (1.5) of Section 5.25 [[210 ILCS 74/5.25](#)] must have an **AED** on site as well as a trained **AED** user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the unit of

local government, school, college, or university.

(c) Every physical fitness facility must ensure that every **AED** on the facility's premises is properly tested and maintained in accordance with rules adopted by the Department.

§ 210 ILCS 74/20. Training

Sec. 20. Training. The Department shall adopt rules to establish programs to train physical fitness facility staff on the role of cardiopulmonary resuscitation and the use of **automated external defibrillators**. The rules must be consistent with those adopted by the Department for training **AED** users under the **Automated External Defibrillator Act** [[410 ILCS 4/1](#) et seq.].

§ 210 ILCS 74/35. Penalties for violations

Sec. 35. Penalties for violations. (a) If a physical fitness facility violates this Act by (i) failing to adopt or implement a plan for responding to medical emergencies under Section 10 [[210 ILCS 74/10](#)] or (ii) failing to have on the premises an **AED** or trained **AED** user as required under subsection (a) or (b) of Section 15 [[210 ILCS 74/15](#)], the Director may issue to the facility a written administrative warning without monetary penalty for the initial violation. The facility may reply to the Department with written comments concerning the facility's remedial response to the warning. For subsequent violations, the Director may impose a civil monetary penalty against the facility as follows:

(1) At least \$ 1,500 but less than \$ 2,000 for a second violation.

(2) At least \$ 2,000 for a third or subsequent violation.

(b) The Director may impose a civil monetary penalty under this Section only after it provides the following to the facility:

(1) Written notice of the alleged violation.

(2) Written notice of the facility's right to request an administrative hearing on the question of the alleged violation.

(3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Director.

(4) A written decision from the Director, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the facility violated this Act and imposing the civil penalty.

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(c) The Attorney General may bring an action in the circuit court to enforce the collection of a monetary penalty imposed under this Section.

(d) The fines shall be deposited into the Physical Fitness Facility Medical Emergency Preparedness Fund to be appropriated to the Department, together with any other amounts, for the costs of administering this Act.

§ 210 ILCS 74/45. Liability

Sec. 45. Liability. Nothing in this Act shall be construed to either limit or expand the exemptions from civil liability in connection with the purchase or use of an **automated external defibrillator** that are provided under the **Automated External Defibrillator Act** [[410 ILCS 4/1](#) et seq.] or under any other provision of law. A right of action does not exist in connection with the use or non-use of an **automated external defibrillator** at a facility governed by this Act, except for willful or wanton misconduct, provided that the person, unit of state or local government, or school district operating the facility has adopted a medical emergency plan as required under Section 10 of this Act [[210 ILCS 74/10](#)], has an **automated external defibrillator** at the facility as required under Section 15 of this Act [[210 ILCS 74/15](#)], and has maintained the **automated external defibrillator** in accordance with the rules adopted by the Department.

CHAPTER 225. PROFESSIONS AND OCCUPATIONS HEALTH ILLINOIS DENTAL PRACTICE ACT

§ 225 ILCS 25/44.5. Emergency medical plan; AED

Sec. 44.5. Emergency medical plan; AED. (a) Each dental office in this State must develop and implement a written emergency medical plan, which shall include staff responsibilities and office protocol for emergency procedures.

(b) All dental offices that administer anesthesia or sedation, as set forth in Section 8.1 of this Act [[225 ILCS 25/8.1](#)], must contain at least one **automated external defibrillator (AED)** on the premises at all times.

(c) The owner of a dental office is responsible for complying with the requirements of this Section.

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CHAPTER 230. GAMING. ILLINOIS HORSE RACING ACT OF 1975

§ 230 ILCS 5/31.2. (Effective January 1, 2014) Automated external defibrillators

Sec. 31.2. Organization licensees shall make available no less than 2 **automated external defibrillators (AEDs)** that are operational and accessible when backstretch workers are present at their racing facilities. At least one **AED** shall be placed in the paddock of their racing facilities. At least one **AED** shall be placed on the backstretch of their racing facilities.

CHAPTER 410. PUBLIC HEALTH, HEALTH PREVENTION AND PROTECTION, AUTOMATED EXTERNAL DEFIBRILLATOR ACT

§ 410 ILCS 4/1. Short title

Sec. 1. Short title. This Act may be cited as the **Automated External Defibrillator Act**.

§ 410 ILCS 4/5. Findings; intent

Sec. 5. Findings; intent. The General Assembly finds that timely attention in medical emergencies saves lives, and that trained use of **automated external defibrillators** in medical emergency response can increase the number of lives saved. It is the intent of the General Assembly to encourage training in lifesaving first aid, to set standards for the use of **automated external defibrillators** and to encourage their use.

§ 410 ILCS 4/10. Definitions

Sec. 10. Definitions. As used in this Act:

"**Automated external defibrillator**" means a medical device heart monitor and defibrillator that:

- (1) has received approval of its premarket notification, filed pursuant to [21 U.S.C. Section 360\(k\)](#), from the United States Food and Drug Administration;
- (2) is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;
- (3) upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual, or charges and delivers an electrical impulse at the command of the operator; and
- (4) in the case of a defibrillator that may be operated in either an automatic or a manual mode, is set to operate in the automatic mode.

"Defibrillation" means administering an electrical impulse to an individual in order to stop ventricular fibrillation or rapid ventricular tachycardia.

"Person" means an individual, partnership, association, corporation, limited liability company, or organized group of persons (whether incorporated or not).

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"Trained **AED** user" means a person who has successfully completed a course of instruction in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association or a course of instruction in accordance with the rules adopted under this Act to use an **automated external defibrillator**, or who is licensed to practice medicine in all its branches in this State.

"Department" means the Department of Public Health.

§ 410 ILCS 4/15. Training

Sec. 15. Training. (a) The Department shall adopt rules regarding the establishment of programs to train individuals as trained **AED** users. Rules regarding the establishment of programs to train individuals as trained **AED** users shall specify the following:

- (1) The curriculum of any program to train individuals shall include complete training in cardiopulmonary resuscitation (commonly referred to as "CPR") prepared according to nationally recognized guidelines.
 - (2) The qualifications necessary for any individuals to teach a program to train an individual as a trained **AED** user.
 - (3) The time period for which training recognition shall be valid, and the recommendation for subsequent renewal.
- (b) In carrying out subsection (a), the Department shall identify an appropriate training curriculum designed for trained **AED** users who are members of the general public, and a training curriculum designed for trained **AED** users who are health professionals.

§ 410 ILCS 4/20. Maintenance; oversight

Sec. 20. Maintenance; oversight. (a) A person acquiring an **automated external defibrillator** shall take reasonable measures to ensure that:

- (1) (blank);
- (2) the **automated external defibrillator** is maintained and tested according to the manufacturer's guidelines;
- (3) any person considered to be an anticipated rescuer or user will have successfully completed a course of instruction in accordance with the standards of a nationally recognized organization, such as the American Red Cross or the American Heart Association, or a course of instruction in accordance with existing rules under this Act to use an **automated external defibrillator** and to perform cardiovascular resuscitation (CPR); and

(4) any person who renders out-of-hospital emergency care or treatment to a person in cardiac arrest by using an **automated external defibrillator** activates the EMS system as soon as possible and reports any clinical use of the **automated external defibrillator**.

(b) A person in possession of an **automated external defibrillator** shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the **automated external defibrillator**.

§ 410 ILCS 4/25. Illinois Department of Public Health; responsibilities

Sec. 25. Illinois Department of Public Health; responsibilities. The Illinois Department of Public Health shall maintain incident reports on **automated external defibrillator** use and conduct annual analyses of all related data. The Department shall adopt rules to carry out its responsibilities under this Act.

§ 410 ILCS 4/30. Exemption from civil liability

Sec. 30. Exemption from civil liability. (a) A physician licensed in Illinois to practice medicine in all its branches who authorizes the purchase of an **automated external defibrillator** is not liable for civil damages as a result of any act or omission arising out of authorizing the purchase of an **automated external defibrillator**, except for willful or wanton misconduct, if the requirements of this Act are met.

(b) An individual or entity providing training in the use of **automated external defibrillators** is not liable for civil damages as a result of any act or omission involving the use of an **automated external defibrillator**, except for willful or wanton misconduct, if the requirements of this Act are met.

(c) A person, unit of State or local government, or school district owning, occupying, or managing the premises where an **automated external defibrillator** is located is not liable for civil damages as a result of any act or omission involving the use of an **automated external defibrillator**, except for willful or wanton misconduct, if the requirements of this Act are met.

(d) An **AED** user is not liable for civil damages as a result of any act or omission involving the use of an **automated external defibrillator** in an emergency situation, except for willful or wanton misconduct, if the requirements of this Act are met.

(e) This Section does not apply to a public hospital.

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CHAPTER 745. CIVIL IMMUNITIES GOOD SAMARITAN ACT

§ 745 ILCS 49/12. Use of an automated external defibrillator; exemption from civil liability for emergency care

Sec. 12. Use of an automated external defibrillator; exemption from civil liability for emergency care. As provided in Section 30 of the **Automated External Defibrillator Act** [410 ILCS 4/30], any **automated external defibrillator** user who in good faith and without fee or compensation renders emergency medical care involving the use of an **automated external defibrillator** in accordance with his or her training is not liable for any civil damages as a result of any act or omission, except for willful and wanton misconduct, by that person in rendering that care.

**TITLE 68. PROFESSIONS AND OCCUPATIONS
CHAPTER VII. DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION SUBCHAPTER b. PROFESSIONS AND OCCUPATIONS
PART 1220. ILLINOIS DENTAL PRACTICE ACT SUBPART E. ANESTHESIA
PERMITS**

**§ 1220.510 Moderate Sedation (Conscious Sedation) in the Dental Office
Setting**

a) Moderate sedation (conscious sedation) includes the prescription or administration of pharmacologic agents to be used for the purposes of moderate sedation. Moderate sedation (conscious sedation) must be administered by an individual qualified under this Section. (See Appendix D for characteristics of levels of anesthesia.) The drugs and/or techniques used must carry a margin of safety wide enough to render unintended loss of consciousness unlikely.

...

g) A properly equipped facility for the administration of moderate sedation (conscious sedation) shall include at minimum:

...

11) Defibrillator (an **automated external defibrillator** is an acceptable defibrillator);

...

§ 1220.520 Deep Sedation and General Anesthesia in the Dental Office Setting

Deep sedation and general anesthesia must be administered by an individual qualified under this Section. (See Appendix D for characteristics of levels of anesthesia.)

a) A licensed dentist seeking a permit to administer deep sedation or general anesthesia shall make application to the Division, on forms provided by the Division, that shall include:

...

d) A properly equipped facility for the administration of deep sedation or general anesthesia shall include, at a minimum:

...

11) Electrocardioscope and defibrillator (an **automated external defibrillator** is an acceptable defibrillator);

...

Illinois Administrative Code TITLE 77. PUBLIC HEALTH CHAPTER I. DEPARTMENT OF PUBLIC HEALTH SUBCHAPTER f. EMERGENCY SERVICES AND HIGHWAY SAFETY PART 525. AUTOMATED EXTERNAL DEFIBRILLATOR CODE

§ 525.100 Definitions

Act - the **Automated External Defibrillator Act** [410 ILCS 4].

Automated External Defibrillator (**AED**) - a medical device heart monitor and defibrillator that:

Has received approval of its premarket notification, filed pursuant to [21 USC 360\(k\)](#), from the United States Food and Drug Administration;

Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

Upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual, or charges and delivers an electrical impulse at the command of the operator; and

In the case of a defibrillator that may be operated in either an automatic or manual mode, is set to operate in the automatic mode. (Section 10 of the Act)

Defibrillation - administering an electrical impulse to an individual in order to stop ventricular fibrillation or rapid ventricular tachycardia. (Section 10 of the Act)

Department - the Department of Public Health. (Section 10 of the Act)

Emergency Medical Services (EMS) System or System - an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Emergency Medical Services (EMS) Systems Act)

Person - an individual, partnership, association, corporation, limited liability company, or organized group of persons (whether incorporated or not). (Section 10 of the Act)

Trained **AED** user - a person who has successfully completed a course of instruction in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association or a course of instruction in accordance with this Part to use an **automated external defibrillator**, or who is licensed to practice medicine in all its branches in this State. (Section 10 of the Act)

§ 525.200 Incorporated and Referenced Materials

a) The following private and professional organization standards are incorporated in this Part:

- 1) American Heart Association
2005 AHA Guidelines for CPR and ECC
208 South LaSalle St.
Suite 900
Chicago, Illinois 60604-1197
- 2) American Red Cross
American Red Cross First Aid/CPR/**AED** for the Workplace (2006)
311 W. John Gwynn Avenue
Peoria, Illinois 61605-2566

b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) The following statutes are referenced in this Part:

- 1) Federal statutes: [21 USC 360\(k\)](#): Registration of producers of drugs or devices; report preceding introduction of devices into interstate commerce.
- 2) State of Illinois statutes:
 - A) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
 - B) Medical Practice Act of 1987 [225 ILCS 60]
- 3) State of Illinois rules: Emergency Medical Services and Trauma Center Code ([77 Ill. Adm. Code 515](#))

§ 525.300 Approval of Training Programs

The Department shall recognize programs established to train individuals as **AED** users, in accordance with the following:

- a) The curriculum of any program to train individuals shall include complete training in cardiopulmonary resuscitation (CPR) prepared according to nationally recognized guidelines (see Section 525.200(a)(1) and(2)). (Section 15 of the Act)
- b) The Instructors shall have successfully completed an instructor training course for **AED** courses listed in Section 525.200(a)(1) and (2) of this Part, or equivalent curriculum that follows nationally recognized guidelines.
- c) Instructors shall renew qualification every two years and shall meet the following criteria:

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- 1) Maintain provider status;
- 2) Teach the number of courses required by the American Red Cross or American Heart Association, or other nationally recognized guidelines; and
- 3) Complete an update on new information regarding course content.
- d) The Department recognizes courses that meet the course objectives of American Heart Association or American Red Cross or other nationally recognized courses as appropriate training curriculum designed to train **AED** users.
- e) The Department will investigate any complaints against a course that allegedly does not adhere to the requirements set forth in this Section. Complaints shall be in writing and include the name, address and telephone number of the complainant. Written complaints shall be submitted to the Illinois Department of Public Health at the following address:

Illinois Department of Public Health
Division of EMS and Highway Safety
422 South 5th Street, 3rd floor
Springfield IL 62701

§ 525.400 Recognition of Trained AED Users

- a) To be recognized as a trained **AED** user, an individual shall:
 - 1) Successfully complete a course of instruction in cardiopulmonary resuscitation (CPR) in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association that incorporates instruction in the use of an **automated external defibrillator** (see Section 525.200(a)(1) and (2)); or
 - 2) Successfully complete a course of instruction in accordance with Section 525.300(b) of this Part; or
 - 3) Be licensed to practice medicine in all its branches in Illinois in accordance with the Medical Practice Act of 1987. (Section 10 of the Act)
- b) Recognition of training completed in accordance with this Section shall be valid for a time period in accordance with the courses of instruction referenced in subsections (a)(1) and (2) of this Section, but not be valid for more than two years. To renew recognition as a trained **AED** user, the individual shall present proof of satisfactory completion of an American Red Cross or American Heart Association or other nationally recognized renewal course.

§ 525.500 Reports of AED Use

AED use is reported in accordance with requirements for data collection and submission

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pursuant to [77 Ill. Adm. Code 515.350](#) (Emergency Medical Services and Trauma Center Code - Data Collection and Submission).

§ 525.600 Maintenance and Oversight of Automated External Defibrillators

a) A person acquiring an **automated external defibrillator** shall take reasonable measures to ensure that:

1) The **automated external defibrillator** is maintained and tested according to the manufacturer's guidelines;

2) Any person considered to be an anticipated rescuer or user will have successfully completed a course of instruction in accordance with the standards of a nationally recognized organization, such as the American Red Cross or the American Heart Association, or a course of instruction in accordance with Section 525.400 to use an **automated external defibrillator** and to perform cardiovascular resuscitation (CPR); and

3) Any person who renders out-of-hospital emergency care or treatment to a person in cardiac arrest by using an **automated external defibrillator** activates the EMS System as soon as possible and reports any clinical use of the **automated external defibrillator** to the responding emergency medical services personnel. (Section 20(a) of the Act)

b) A person in possession of an **automated external defibrillator** shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the **automated external defibrillator**. (Section 20(b) of the Act)

**TITLE 77. PUBLIC HEALTH
CHAPTER I. DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f. EMERGENCY SERVICES AND HIGHWAY SAFETY
PART 527. PHYSICAL FITNESS FACILITY MEDICAL EMERGENCY
PREPAREDNESS CODE**

§ 527.100 Definitions

Act - the Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74].

Assistance - any act that aids or supports an individual who is engaging in physical fitness activities, including, but not limited to, instruction on the use of equipment and creation of personal fitness plans.

Automated External Defibrillator or AED - a medical device heart monitor and defibrillator that:

Has received approval of its pre-market notification, filed pursuant to [21 USC 360\(k\)](#), from the United States Food and Drug Administration;

Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

Upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual, or charges and delivers an electrical impulse at the command of the operator; and

In the case of a defibrillator that may be operated in either an automatic or manual mode, is set to operate in the automatic mode. (Section 10 of the **Automated External Defibrillator Act**)

"Cardiovascular exertion - physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25(b) of the Act)

Defibrillation - administering an electrical impulse to an individual in order to stop ventricular fibrillation or rapid ventricular tachycardia. (Section 10 of the **Automated External Defibrillator Act**)

Department - the Department of Public Health. (Section 5.15 of the Act)

Director - the Director of Public Health. (Section 5.10 of the Act)

Emergency Medical Services (EMS) System or System - an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS (basic life support), ILS (intermediate life support)

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and/or ALS (advanced life support) level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Emergency Medical Services (EMS) Systems Act)

Gaming - a competitive activity involving skill, chance or endurance on the part of two or more persons.

Hospital - has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85].

Medical emergency - the occurrence of a sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care. (Section 5.20 of the Act)

9-1-1 - an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

Person - an individual, partnership, association, corporation, limited liability company, or organized group of persons (whether incorporated or not).

Physical fitness facility or facility - has the meaning ascribed to that term in Section 527.300.

Staffed Business Hours - those times when facilities are utilized and the owner or agent of the owner or an employee is present, other than maintenance or security personnel acting in those capacities.

Supervising - directing, inspecting, coaching, judging, refereeing, or being in charge of individuals while those individuals are engaging in physical fitness activities.

Third party operator - an individual or organization that has an agreement to use a physical fitness facility that the individual or organization does not own.

Trained **AED** user - a person who has successfully completed a course of instruction in cardiopulmonary resuscitation that includes an **AED** component in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association or a course of instruction in accordance with the **Automated External Defibrillator** Code ([77 Ill. Adm. Code 525](#)) to use an **automated external defibrillator**, or who is licensed to practice medicine in all its branches in this State. (Section 10 of the **Automated External Defibrillator** Act)

§ 527.400 Medical Emergency Plan

a) The operator of a facility shall adopt and implement a plan for responding to a medical emergency at the facility. The plan shall encompass the use of an **AED** and shall provide a

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timely, proper response to the occurrence of any other sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care. The plan shall also designate office contacts for the specific facility staff to be notified in a medical emergency. The plan shall be filed with the Department by submitting a copy to the following address:

Illinois Department of Public Health
Division of EMS & Highway Safety
422 S. 5th St. - 3rd Floor
Springfield IL 62701

b) Facility staff shall ensure that 9-1-1 is called immediately for medical emergencies, including each time an **AED** is used at the facility. Third party or other authorized users of the facility shall promptly notify the facility operator if the **AED** is used.

c) The plan shall be updated with the Department after a change in the facility that affects the ability to comply with a medical emergency such as, but not limited to, facility closure for more than 45 days, inoperable **AED** for more than 45 days, or lack of trained staff for more than 45 days.

§ 527.500 Coordination with Local Emergency Medical Services Systems

A facility possessing an **AED** shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the **automated external defibrillator**. (Section 20(b) of the **Automated External Defibrillator Act**)

§ 527.600 Automated External Defibrillators Required

- a) Each facility shall have at least one operable **AED** on the premises at all times.
- b) If the **AED** becomes inoperable, the facility shall replace or repair the **AED** within 10 days. Patrons shall be notified when an operable **AED** is not on the premises. The **AED** shall be mobile and accessible at all times when the **AED** is operable.
- c) In the case of an outdoor physical fitness facility, the **AED** must be housed in a building, if any, that is within 300 feet of the outdoor facility where an event or activity is being conducted. If there is such a building within the required distance, the building must provide unimpeded and open access to the housed **AED** during the time the event or activity is being conducted. The building's entrances shall further provide marked directions to the housed **AED**. (Section 15(b-10) of the Act)
- d) Facilities described in Section 5.25(1.5) of the Act must have an **AED** on site as well as a trained **AED** user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the unit of local government, school, college, or university. (Section 15(b-15) of the Act)
- e) If multiple facilities are located on the same floor of a building, one **AED** can be used for

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multiple facilities so long as the **AED** is located not more than 300 feet from each facility and access to the **AED** is unimpeded from each facility.

f) A physical fitness facility must ensure that there is a trained **AED** user on staff during staffed business hours. For purposes of the Act and this Part, "trained **AED** user" has the meaning ascribed to that term in Section 10 of the **Automated External Defibrillator** Act and Section 527.100 of this Part.

g) Facility owners/operators may enter into written contracts with third party operators to ensure that a proper number of **AEDs** and trained **AED** users are present during all third party sponsored activities that are not otherwise supervised by the owners/operators of the facility.

h) Questions concerning this Part shall be directed to the following address:

Illinois Department of Public Health
Division of EMS & Highway Safety
422 S. 5th St. - 3rd Floor
Springfield IL 62701

i) Entities requesting a formal Department determination on the application of the Act shall be subject to inspection under Section 527.900.

§ 527.700 Maintenance and Testing of Automated External Defibrillators

a) The **AED** shall be maintained and tested according to the manufacturer's guidelines.

b) The owner of the **AED** shall retain a copy of the maintenance and testing manual at the physical fitness facility and shall keep a copy of the manual with the **AED**.

§ 527.800 Training

a) Physical fitness facility staff shall be trained in cardiopulmonary resuscitation and the use of an **AED** according to Sections 525.300 and 525.400 of the **Automated External Defibrillator** Code. The facility shall have at least one trained **AED** user on staff during staffed business hours, and also shall ensure that appropriate numbers of facility staff and applicable supervisors are trained to avoid lapses in compliance with this Part.

b) Each member of the facility staff shall be trained concerning the location of the **AED** and the requirements of the facility's medical emergency plan. Third party operators and authorized users of the facility shall also be informed, by postings or other notifications, of the location of the **AED** and of the emergency plan.

c) The facility staff shall take reasonable measures to ensure that the **AED** is operated only by trained **AED** users for the intended purposes of the **AED**. This provision shall not be construed to prohibit the use of the **AED** by others in a medical emergency requiring the use of the **AED**.

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d) Any non-employee coach, non-employee instructor, non-employee judge, non-employee referee, or other similarly situated non-employee anticipated rescuer who uses a physical fitness facility in conjunction with the supervision of physical fitness activities is encouraged to complete a course of instruction that would qualify such a person as a trained **AED** user, as defined in Section 10 of the **Automated External Defibrillator** Act and Section 527.100 of this Part. (Section 15(b-5) of the Act)

§ 527.1000 Violations

a) A person violates the Act by:

- 1) failing to comply with the Act;
- 2) failing to adopt or implement a proper medical emergency plan;
- 3) failing to have the requisite number of **AEDs** on the premises; or
- 4) failing to have appropriate numbers of trained **AED** users and applicable supervisors on staff and to avoid lapses in compliance with this Code.

b) Upon receipt of a written administrative warning to a facility for an initial violation of the Act, the facility has 10 business days to respond with written comments concerning the facility's remedial response. In the entity's comments to the administrative warning, it may state, for the Department's consideration, the reasons for disagreeing with the Department's determination. The facility may waive the right to submit a written response. Whether or not the facility waives the right to respond, the facility shall immediately remediate the circumstances to cure the violation.

c) Upon receipt of notice of a subsequent violation of the Act, the facility has 10 business days either to pay any assigned civil monetary penalty or to request an administrative hearing. If the facility fails to pay the civil monetary penalty or to submit a request for a hearing within 10 days after receipt of the notice, then the Department will issue a final order closing the case and will refer the matter to the Attorney General for collection of any monetary penalty.

d) The Department may assess a civil monetary penalty for a second or subsequent violation based on factors including, but not limited to, compliance history, nature of the offense or severity of the injury resulting from the offenses.

e) The civil monetary penalty for a second violation of the Act is \$ 1,500, and the penalty for a third or subsequent violation of the Act is \$ 2,000. The Department may assess only a total \$ 1,500 penalty for a second violation irrespective of the number of deficiencies found. For a third or subsequent violation, however, the Department may assess a separate \$ 2,000 monetary penalty for each deficiency if more than one violation of the Act is found at a facility during the third or subsequent inspection.

f) Written comments to an administrative warning, requests for hearings, or fines shall be submitted to the following address:

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Illinois Department of Public Health
Division of EMS & Highway Safety
422 S. 5th St. - 3rd Floor
Springfield IL 62701