
Third Session, Forty-second Parliament
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Legislative Assembly of British Columbia

BILL M 208

DEFIBRILLATOR PUBLIC ACCESS ACT

Ms. Shirley Bond

Explanatory Note

This Bill requires owners of designated public premises to install defibrillators. The defibrillators must be maintained and tested, and be made available for use by the public. Owners will be required to post signs about the location and use of defibrillators installed in their premises.

Owners must also register the location of defibrillators installed in their premises, so that this information can be made available to members of the public and emergency response personnel.

BILL M 208 – 2022

DEFIBRILLATOR PUBLIC ACCESS ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

- 1 In this Act:
 - “**defibrillator**” means an automated external defibrillator or a semi-automated external defibrillator;
 - “**designated premises**” means premises, accessible to the public, that are designated by regulation;
 - “**emergency service provider**” means a provider of ambulance services or ancillary health services, as both are defined;
 - “**health professional**” means a person who practices a health profession as defined in the *Health Professions Act*;
 - “**registrar**” means a registrar designated under section 2.

Designation of registrar

- 2 The minister may designate one or more persons as a registrar for the purpose of this Act.

Installation of defibrillators

- 3 The owner of a designated premises must ensure that one or more defibrillators are installed at the premises in accordance with the regulations.

Availability of defibrillator

- 4 A defibrillator that is required to be installed under section 3 must be made available for use by the public in accordance with the regulations.

Posting of signs

- 5 The owner of a designated premises at which a defibrillator is installed under this Act must post and keep continuously displayed signs about the location and use of the defibrillator, in accordance with the regulations.

Registration of defibrillators

- 6 (1) The owner of a designated premises at which a defibrillator is installed under this Act must, within 30 days after the date of installation, register the defibrillator including details of its location with the registrar in accordance with the regulations.
- (2) If a registered defibrillator is moved to a different location at the designated premises, or is removed from the designated premises for any reason, the owner of the designated premises must notify the registrar in accordance with the regulations.

Notification of emergency service providers or other persons

- 7 The registrar must, in accordance with the regulations, notify British Columbia Emergency Health Services, an emergency service provider or other prescribed person about the following:
- (a) the registration of a defibrillator that is installed under this Act;
 - (b) any subsequent move of a defibrillator to a different location within the designated premises or removal from the designated premises.

Maintenance and testing of defibrillators

- 8 (1) The owner of a designated premises must ensure that a defibrillator required to be installed under section 3 is maintained and tested in accordance with the manufacturer's guidelines and with any other requirements as may be prescribed.
- (2) The owner must make and maintain records of the maintenance and testing in accordance with the regulations.

Designation of inspectors

- 9 The minister may designate any persons, or the members of any class of persons, as inspectors for the purpose of this Act.

Inspection authority of inspectors

- 10 When reasonably required to administer or determine compliance with this Act, an inspector may enter and inspect any premises during business hours, other than a dwelling not defined for the purposes of this Act, at any reasonable time.

Identification to be shown

- 11 An inspector carrying out an inspection under this Act must show the inspector's identification if requested to do so.

Inspection powers

- 12** (1) An inspector carrying out an inspection of a defibrillator under this Act may do the following:
- (a) make any inspection, investigation, examination, test, analysis or inquiry relevant to a defibrillator that the inspector considers necessary;
 - (b) request any relevant document or other thing to be produced for inspection, examination, testing, analysis or copying;
 - (c) make copies of any relevant document or other thing; and
 - (d) take photographs or other images of a premises or of any relevant thing located at or in the premises.
- (2) In carrying out an inspection of a defibrillator under this Act, an inspector may do the following:
- (a) use a data processing system at the place where the records, documents or things are kept to examine any relevant data contained in or available to the system;
 - (b) reproduce, in the form of a printout or other intelligible output, any relevant record from the data contained in or available to a data processing system at the place; and
 - (c) use any copying equipment at the place to make copies of any relevant record or document.
- (3) A person who has custody or control of a record, document or thing referred to in subsection (1) or (2) must give the inspector during business hours
- (a) all reasonable assistance to enable the inspector to carry out the inspector's duties, or
 - (b) any information that the inspector may reasonably require.

Copies as evidence

- 13** A document certified by an inspector to be a printout or a copy of a record obtained under this Act
- (a) is admissible in evidence without proof of the office or signature of the person purporting to have made the certificate, and
 - (b) has the same probative force as the original record.

Offences

- 14** (1) A person commits an offence if the person
- (a) contravenes a provision of this Act,
 - (b) knowingly makes a false or misleading statement to an inspector or any other person acting under the authority of this Act,
 - (c) knowingly makes a false or misleading statement in a record given or required under this Act, or knowingly provides false or misleading information under this Act,

- (d) hinders, obstructs or interferes with, or attempts to hinder, obstruct or interfere with, an inspector or any other person acting under the authority of this Act, or
 - (e) conceals or destroys, or attempts to conceal or destroy, any record, information or thing relevant to an inspection or investigation under this Act.
- (2) If an offence under subsection (1) continues for more than one day, the offender is guilty of a separate offence for each day on which the contravention continues.
 - (3) An individual who is guilty of an offence under this Act is liable on summary conviction
 - (a) for a first offence to a fine of not more than \$3,000, and
 - (b) for a subsequent offence to a fine of not more than \$10,000.
 - (4) A corporation that is guilty of an offence under this Act is liable on summary conviction
 - (a) for a first offence to a fine of not more than \$5,000, and
 - (b) for a subsequent offence to a fine of not more than \$25,000.
 - (5) If a corporation commits an offence under this Act, a director or officer of the corporation who authorized, permitted or acquiesced in the offence also commits the offence.
 - (6) A prosecution for an offence under this Act must be commenced no later than two years after the day the alleged offence was committed.

Protection from civil liability – owner or occupier of premises

- 15** Despite the *Occupiers Liability Act* and the rules of common law, any person who owns or occupies a premises 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.

Protection from civil liability – user of defibrillator

- 16** (1) Despite the rules of common law, a person described in subsection (2) 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.
- (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
 - (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 individual.

Liability protection applies whether or not defibrillator required under this Act

- 17** For certainty, sections 15 and 16 apply whether or not the defibrillator was required to be installed or registered under this Act.

Immunity

- 18** No action or proceeding may be brought against the minister, a registrar, an inspector or any other person acting under the authority of this Act 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.

Act binds the Crown

- 19** This Act binds the Crown.

Regulations

- 20** (1) The Lieutenant Governor in Council may make regulations
- (a) designating premises, or classes of premises, that are accessible to the public as designated premises,
 - (b) designating classes of persons as health professionals for the purpose of the definition of health professional in subsection (1),
 - (c) for the purpose of section 3, respecting the installation of defibrillators at designated premises, including
 - (i) dates by which defibrillators must be installed at designated premises,
 - (ii) circumstances in which defibrillators must be installed at designated premises, including new construction or other specified construction or remodelling work, and
 - (iii) the locations at designated premises and manner in which defibrillators must be installed,
 - (d) for the purpose of section 4, governing how defibrillators must be made available for use by the public at designated premises,
 - (e) for the purpose of section 5, respecting the form and content, the manner of posting and the location of signs required under this Act,
 - (f) respecting the registration of defibrillators, including details of the locations of registered defibrillators,
 - (g) for the purpose of subsection 6 (2), respecting requirements to notify the registrar when a defibrillator is moved within a designated premises, or removed from a designated premises,

- (h) for the purpose of section 7,
 - (i) respecting notification requirements, and
 - (ii) prescribing persons to whom notice is to be given,
 - (i) prescribing maintenance and testing requirements for the purpose of subsection (1),
 - (j) for the purpose of subsection (2), respecting the making and maintenance of records,
 - (k) respecting the voluntary registration of defibrillators not required to be installed under this Act, including extending, modifying or limiting the application of any provision of this Act in relation to such defibrillators,
 - (l) specifying, for the purpose of any provision of this Act, whether a defibrillator must be an automated external defibrillator or a semi-automated external defibrillator,
 - (m) defining any word or phrase used in this Act but not defined in this Act,
 - (n) without limiting the generality of paragraph (m), defining “automated external defibrillator” or “semi-automated external defibrillator”, which may include prescribing criteria that either or both types of defibrillators must satisfy, and
 - (o) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this Act.
- (2) A regulation under this Act
- (a) may provide differently for different types or classes of persons or premises, and
 - (b) may provide differently for different geographical areas.
- (3) A regulation under this Act may incorporate or adopt by reference, and with any changes the Lieutenant Governor in Council considers appropriate, all or part of a code, rule or standard, as amended before or after the making of the regulation and relating to the subject matter of this Act, whether the code, rule or standard is promulgated by any governmental authority or by any association or other body of persons.

Commencement

- 21** This Act comes into force by regulation of the Lieutenant Governor in Council.