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# Bill 158

**An Act to provide for public access to and training with respect to defibrillators**

**Mr. J. Fraser**

**Private Member's Bill**

1st Reading      December 5, 2019

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

The Bill requires the owners of designated premises to install, make available for use, maintain and test defibrillators in their premises. Owners must also ensure that training is undertaken in accordance with prescribed guidelines.

The Bill also provides for the registration of defibrillators with a registrar designated by the Minister. The registrar is required to notify emergency service providers and others of the registration, including the specific location, of a defibrillator.

## An Act to provide for public access to and training with respect to defibrillators

### Preamble

Each year, approximately 7,000 Ontarians will experience cardiac arrest. Up to 85 per cent of cardiac arrests occur at home or in public places. Almost half of cardiac arrests are witnessed by a family member or friend. When used in conjunction with CPR in the first few minutes after a cardiac arrest, defibrillation can dramatically improve cardiac arrest survival rates by more than 50 per cent. Premises such as schools, fitness centres and hockey arenas are prime targets for the placement of automated external defibrillators due to the nature of the activities that take place at these locations. Ensuring that automated external defibrillators are available to members of the public may prevent tragedies from occurring.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Definitions

1 In this Act,

“defibrillator” means an automated external medical heart monitor and defibrillator that is capable of,

- (a) recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia,
- (b) determining, without intervention by an operator, whether defibrillation should be performed,
- (c) automatically charging and requesting delivery of an electrical impulse to an individual’s heart as medically required, and
- (d) satisfying any other criteria that may be prescribed by regulation; (“défibrillateur”)

“designated premises” means a premises accessed by members of the public at which a defibrillator is required to be installed under the regulations; (“lieu désigné”)

“Minister” means the member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“registrar” means the registrar designated under section 2; (“registraire”)

“regulations” means the regulations made under this Act. (“règlements”)

### Registration of defibrillators

#### Minister to designate registrar

2 (1) The Minister shall designate a registrar for the purposes of this Act.

#### Registration

(2) An owner of a designated premises at which a defibrillator is installed shall, within 30 days after installation, register the defibrillator with the registrar in accordance with the regulations.

#### Information to be provided

(3) For the purposes of registering a defibrillator, an owner of a designated premises shall provide to the registrar the details of the location of the defibrillator and such other information as may be prescribed by the regulations.

#### Same, if location changes, etc.

(4) If a defibrillator registered under this Act is moved to a different location at the designated premises or is removed from the designated premises for any reason, any owner of the designated premises shall notify the registrar in accordance with the regulations.

#### Registrar to notify emergency service providers, etc.

(5) The registrar shall, in accordance with the regulations, notify emergency service providers and such other persons as may be prescribed by the regulations of the following:

1. The registration of a defibrillator, including its location within a designated premises.

2. The change of the location of or the removal of a registered defibrillator.

**Installation of defibrillator**

**3** An owner of a designated premises shall ensure that 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 shall be made available for use in accordance with the regulations.

**Maintenance of defibrillator**

**5** An owner of a designated premises shall take reasonable steps to ensure that a defibrillator that is required to be installed under section 3 is maintained and tested in accordance with the manufacturer's guidelines and with any other guidelines as may be prescribed by the regulations.

**Training re defibrillator**

**6** An owner of a designated premises shall ensure that training for the use of a defibrillator is undertaken by persons prescribed by the regulations, according to training and education guidelines prescribed by the regulations.

**Inspectors**

**7 (1)** The Minister may appoint inspectors for the purposes of this Act.

**Inspection**

(2) An inspector may, without warrant and without notice, enter a designated premises that is not a dwelling at any reasonable time and conduct inspections for the purpose of determining compliance with the requirements under this Act.

**Identification**

(3) An inspector conducting an inspection shall produce, on request, evidence of his or her appointment.

**Powers of inspector**

(4) An inspector conducting an inspection may,

- (a) examine and make copies of a document or other thing that is relevant to the inspection;
- (b) search for or demand the production for inspection of a document, in a readable format, or other thing, that is relevant to the inspection;
- (c) remove a document or other thing that is relevant to the inspection for the purpose of making a copy and return the document or other thing as promptly as reasonably possible; and
- (d) question a person on matters relevant to the inspection.

**Copy admissible in evidence**

(5) A copy of a document or other thing that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value as the document or other thing itself without proof of the signature or official character of the person appearing to have certified the copy.

**Obstruction**

(6) No person shall obstruct, hinder or interfere with or attempt to obstruct, hinder or interfere with an inspector conducting an inspection or refuse to answer questions on matters relevant to the inspection.

**False information, etc.**

(7) No person shall provide an inspector with information that the person knows to be false or misleading, or conceal or destroy anything that is relevant to an inspection.

**Offence**

**8 (1)** A person is guilty of an offence if the person,

- (a) fails to register a defibrillator in accordance with section 2;
- (b) fails to notify the registrar of a change of location or removal in accordance with subsection 2 (4);
- (c) fails to install a defibrillator in accordance with section 3;
- (d) fails to make a defibrillator available for use in accordance with section 4;
- (e) fails to maintain or test a defibrillator in accordance with section 5;
- (f) fails to ensure training is undertaken for the use of a defibrillator in accordance with section 6;

- (g) obstructs, hinders or interferes with or attempts to obstruct, hinder or interfere with an inspector conducting an inspection contrary to subsection 7 (6); or
- (h) provides false or misleading information to an inspector or conceals or destroys anything that is relevant to an inspection contrary to subsection 7 (7).

**Penalty, individual**

- (2) An individual who is convicted of an offence under subsection (1) is liable,
  - (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.

**Penalty, corporation**

- (3) A corporation that is convicted of an offence under subsection (1) is liable,
  - (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.

**Same, officers and directors**

- (4) An officer or director of a corporation who authorizes or permits the corporation to commit an offence under subsection (1) is guilty of an offence and on conviction is liable,
  - (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.

**Crown bound**

**9** This Act binds the Crown.

**Regulations**

- 10** (1) The Lieutenant Governor in Council may make regulations,
- (a) prescribing criteria for the purpose of the definition of “defibrillator” in section 1;
  - (b) prescribing designated premises;
  - (c) governing the registration of defibrillators under section 2;
  - (d) governing the notification by the registrar under section 2, including prescribing persons who must be notified;
  - (e) governing the installation of defibrillators;
  - (f) governing how defibrillators must be made available for use in designated premises;
  - (g) prescribing maintenance and testing guidelines for the purposes of section 5;
  - (h) prescribing training and education guidelines for the purposes of section 6;
  - (i) prescribing anything referred to in this Act as being prescribed or otherwise done in accordance with the regulations;
  - (j) respecting any matter necessary or advisable to effectively carry out the purposes of this Act.

**Consultation**

(2) The Lieutenant Governor in Council shall consult with the Heart and Stroke Foundation of Canada and the ACT Foundation with respect to training and education guidelines before prescribing guidelines under clause (1) (h).

**Commencement**

**11** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

**Short title**

**12** The short title of this Act is the *Defibrillator Training and Access Act, 2019*.