

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 141

An Act respecting registration of and access to defibrillators

Mrs. R. Martin

Private Member's Bill

1st Reading November 18, 2019

2nd Reading November 21, 2019

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on Social Policy
and as reported to the Legislative Assembly February 26, 2020)*

(The provisions in this Bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~striethrough~~ for deleted text.

EXPLANATORY NOTE

The *Defibrillator Registration and Public Access Act, 2020* is enacted. The Act imposes certain requirements respecting the installation, maintenance, testing and availability of defibrillators on designated premises or public premises. The Act also requires defibrillators at such premises to be registered with the registrar within specified time periods, and for the prescribed persons to be notified of the registrations. Regulations may be made under the Act setting out details relating to the requirements under the Act.

An Act respecting registration of and access 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. Ensuring that automated external defibrillators are available to members of the public may prevent tragedies from occurring.

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 prescribed criteria; (“défibrillateur”)

“designated premises” means premises accessible to the public that are designated by 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”)

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

“prescribed” means prescribed by the regulations. (“prescrit”)

Designation of registrar

2 The Minister may designate a registrar for the purpose of this Act.

Requirements re installation, access, maintenance, etc.

Designated premises

3 (1) ~~Every person who owns~~ Every person who owns or operates designated premises shall,

- (a) ensure that defibrillators are installed at the premises in accordance with the regulations;
- (b) ensure that any defibrillators installed at the premises are available for use in locations that facilitate easy access to the defibrillator, as described in the regulations;
- (c) ensure that the location of a defibrillator at the premises is appropriately indicated with signs in accordance with the regulations;
- (d) ensure that any defibrillator installed at the premises is maintained and tested in accordance with the manufacturer’s guidelines and with any other guidelines as may be prescribed; and
- (e) ensure that training is undertaken by prescribed persons for the use of a defibrillator, according to the prescribed training and education guidelines.

Public premises

(2) ~~Every person who owns~~ Every person who owns or operates public premises at which a defibrillator is installed shall comply with the requirements in clauses (1) (b) to (e).

Registration of defibrillator

4 (1) ~~Every person who owns~~ Every person who owns or operates designated premises or public premises at which a defibrillator is installed shall register the defibrillator with the registrar,

- (a) within 30 days after it is installed; or
- (b) if, on the day this subsection comes into force, the defibrillator has already been installed, no later than 30 days after that day.

Defibrillator moved or removed

(2) Subject to the regulations, if a defibrillator registered with the registrar is moved to a different location at the designated premises or public premises, or is removed from the premises for any reason, ~~the owner~~ the owner or operator of the premises must notify the registrar in accordance with the regulations.

Notification re defibrillators

5 The registrar must, in accordance with the regulations, notify the prescribed persons about,

- (a) the registration of any defibrillator under section 4; or
- (b) the subsequent moving of the defibrillator to a different location within the premises or its removal from the premises.

Inspectors

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

Inspection

(2) An inspector may, without warrant and without notice, enter any 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

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

- (a) contravenes a provision of this Act;
- (b) obstructs, hinders or interferes with or attempts to obstruct, hinder or interfere with an inspector conducting an inspection contrary to subsection 6 (6); or
- (c) provides false or misleading information to an inspector or conceals or destroys anything that is relevant to an inspection contrary to subsection 6 (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;~~
~~—(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;~~
~~—(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 \$3,000;~~
~~—(b) for a subsequent offence, to a fine of not more than \$10,000.~~

Penalty, individual

- (2) An individual who is convicted of an offence under subsection (1) is liable to the prescribed fine.

Penalty, corporation

- (3) A corporation that is convicted of an offence under subsection (1) is liable to the prescribed fine.

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 to the prescribed fine.

Crown bound

8 This Act binds the Crown.

Regulations

9 The Lieutenant Governor in Council may make regulations,

- (a) defining, for the purposes of the Act and the regulations, the expression “public premises”;

(a.1) governing the registration of defibrillators;

- (b) prescribing and governing any matter that this Act describes as being prescribed, done in accordance with the regulations or provided for in the regulations;

- (c) governing the powers and duties of inspectors appointed for the purposes of the Act, the obligations of other persons in respect of inspections conducted by an inspector, and the admissibility in court of evidence procured by the inspector;

(d) respecting any matter necessary or advisable to effectively carry out the purposes of this Act.

Commencement

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

Short title

11 The short title of this Act is the *Defibrillator Registration and Public Access Act, 2020*.