



Office of the City Clerk

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Legislation Text

File #: SO2017-4192, Version: 1

SUBSTITUTE ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule municipality as described in Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City Council of the City of Chicago finds that the health and welfare of its residents are being harmed by the rapid increase of heart disease; and

WHEREAS, the American Heart Association reported that in 2014, 424,000 people in the United States experienced out-of-hospital cardiac arrests, this number increased by 100,000 from 2011 reported figures; and

WHEREAS, the average survival rate for those who experience an out-of-hospital cardiac arrest is 10.6%, that number varies by location from 7.7 percent to 39.9 percent; and

WHEREAS, if the sudden cardiac arrest is witnessed by someone, the survival rate increases with the use of defibrillators; however, according to a 2016 article from the Washington Post, "only about 46 percent of cardiac arrests outside hospitals are seen by another person, and 70 percent of them do not respond to electrical shock, the report notes, often because someone with a defibrillator arrives too late"; and

WHEREAS, the Illinois General Assembly passed the Automated External Defibrillator Act (410 ILCS 4/1 et seq.) and found that timely attention in medical emergencies saves lives, and that trained use of AEDs in medical emergency responses can increase the number of lives saved; and

WHEREAS, Illinois currently requires the presence of Automated External Defibrillators (AEDs) in numerous public locations such as fitness and athletic facilities, including those in schools, and certain dental offices; and

WHEREAS, currently, there is no City of Chicago ordinance which requires the presence of AEDs in hotels as defined in Section 4-6-180 of the Municipal Code of Chicago; and

WHEREAS, there are approximately 130 hotels in the central business district of Chicago; and

WHEREAS, it is estimated that the City of Chicago will welcome an estimated 52 million visitors throughout 2017; and

WHEREAS, since 1999, the City of Chicago has had AEDs installed throughout Chicago O'Hare International

Airport and Chicago Midway Airport, and countless lives have been saved at our airports as a result; and

WHEREAS, it is the intent of the City Council to protect the lives of the residents of Chicago and its visitors from unnecessary deaths due to sudden cardiac arrest; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF CHICAGO:

Section 1. Chapter 4-6-180 of the Municipal Code of Chicago is hereby amended by inserting the underscored language as follows:

4-6-180. Hotel.

a) Definitions. As used in this section:

"Hotel" means any building or structure kept, used, maintained as, advertised or held out to the public to be an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory or other place, where sleeping or rooming accommodations are furnished for hire or rent, and in which seven or more sleeping rooms are used or maintained for the accommodation of guests, lodgers or roomers. The term "hotel" shall not include "single-room occupancy buildings", "bed-and-breakfast establishments", "vacation rentals" or "shared housing units" licensed or registered, or required to be licensed or registered, by the city.

b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of hotel shall be accompanied by the following information:

(1) A statement as to whether, within ten years prior to the date of application or renewal, the applicant or any controlling person has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any * jurisdiction for the commission of any forcible felony, as defined in Section 2-8 of the Criminal Code of 1961, codified at 720 ILCS 5/1-1.

(2) A statement verifying the functional presence of an Automated External Defibrillator (AED) as defined in 410 ILCS 4/10 et seq. (The Automated External Defibrillator Act) in each Hotel as required under Chapter 7-52 of the Municipal Code of Chicago entitled the Hotel AED Ordinance

(Omitted text is unaffected by this ordinance)

Section 2. Title 7 of the Municipal Code of Chicago is hereby amended by inserting Chapter 7-52 entitled Hotel Automated External Defibrillator Ordinance underscored as follows:

Chapter 7-52. Hotel Automated External Defibrillator Ordinance

7-52-010. Title and Purpose.

This section shall be known and may be cited as the "Hotel AED Ordinance", and shall be liberally construed and applied to promote its purpose and policies. It is the purpose of this section and the policy of the City to encourage the training in life saving first aid, including the use of automated external defibrillators, to save the lives of the residents and visitors of the City of Chicago.

7-52-020. 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 360fk). 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).

"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 Chicago Department of Public Health.

7-52-030. Hotel Portable Automated External Defibrillator.

(a) Any Hotel as defined under Section 4-6-180 of the Municipal Code of Chicago shall have portable automated external defibrillators available on-site to assist hotel employees and those visiting the Hotel as follows: (i) Each Hotel having not more than 250 guest rooms shall have at least one automated external defibrillator which shall be readily accessible by hotel employees in the Hotel's front office: (ii) each Hotel having more than 250 guest rooms shall have at least two automated external defibrillators which shall be readily accessible to hotel

employees in the Hotel's front office: and (iii) any Hotel with banquet meeting space of 4,000 square feet on any floor shall have at least one automated external defibrillator on each such floor which shall be centrally located, clearly marked and signs providing directions to the housed AED.

(b) A Hotel must ensure that there is a trained AED user on staff during staffed business hours.

7-52-040. Maintenance and Oversight.

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 existing rules under this Act 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.

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.

7-52-050. 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 the Illinois Automated External Defibrillator Act (410 ILCS 4/10 et sea.) 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 the Illinois Automated External Defibrillator Act (410 ILCS 4/10 et seq.) are met.

c) A person, unit of State or local government, sheriff's office, municipal police department, 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 the Illinois Automated External Defibrillator Act (410 ILCS 4/10 et seq.) 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 the Illinois Automated External Defibrillator Act (410 ILCS 4/10 et seq.) are met.

Section 3. This ordinance shall be in full force and effect 120 days after passage and publication.

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CHICAGO October 11.2017

To the President and Members of the City Council:

Your Committee on Finance having had under consideration

A substitute ordinance concerning the authority to amend Section 4-6-180 and Title 7 of the Municipal Code of Chicago regarding Automated External Defibrillators in Hotels.

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Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Substitute Ordinance Transmitted Herewith.

**This recommendation was concurred in by
of members of the committee with**

(a (viva voce vote

dissenting vote(s):

Respectfully submitted

Chairman