

ARTICLE I. SHORT TITLE; GENERAL DEFINITIONS, GENERAL PROVISIONS

Sec. 873.100. Short title.

The rules and regulations herein contained together with any and all amendments thereto shall constitute and comprise the Sanitary Code of the County of Westchester and shall be known and may be cited as the Westchester County Sanitary Code.

(Added 11-20-1986, eff. 11-20-1986)

Sec. 873.101. General definitions.

1. Whenever used in this code, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:
 - a. Automated external defibrillator. The term "automated external defibrillator" means a medical device, approved by the United States food and drug administration, that:
 - (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia;
 - (ii) is capable of determining, without intervention by an operator, whether defibrillation should be performed on a patient;
 - (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and
 - (iv) then, upon action by an operator, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.
 - b. Bathing beach. Bathing beach shall mean a bathing place, together with any buildings and appurtenances including the water and land areas used in connection therewith, at a pond, lake, stream or other body of fresh or salt water which is used for bathing or swimming. A bathing beach shall be a place used with the express or implied permission or consent of the owner or lessee of the premises, or a place operated for a fee or any other consideration, or a place openly advertised as a place of bathing or swimming.
 - c. Board. The term "board" means the Board of Health of the County of Westchester.
 - d. The Code. The term "the code" means the Sanitary Code of the County of Westchester.

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- e. *Charter*. The term "Charter" means the Charter of the County of Westchester.
 - f. *Communicable disease*. The term "communicable disease" means infectious, contagious or communicable disease.
 - g. *County*. The term "county" means the County of Westchester.
 - h. *Commissioner*. The term "commissioner" means the Commissioner of Health of the County of Westchester.
 - i. *Department*. The term "department" means the Department of Health of Westchester County.
 - j. *Health district*. The term "health district" means the geographical area comprising the County of Westchester.
 - k. *Certificate*. When used in the code, the words "certificate," "permit" or "license" are interchangeable.
 - l. *Permit*. The term "permit" means a written license and authorization to carry on a specified activity or activities as regulated by this code, the New York State Sanitary Code, the Public Health Law, or the Environmental Conservation Law, and includes any written approval issued by the commissioner or his duly designated representative.
 - m. *Permittee*. The term "permittee" means a person who holds a valid permit issued by the commissioner, the department, the State Department of Health, or the State Department of Environmental Conservation.
 - n. *Person*. The term "person" means any individual, firm, profit or not-for-profit corporation, cooperative, association, partnership, institution, political subdivision, government agency, public body, joint-stock association, trust, estate, or other group of individuals or combination of the foregoing, or any other legal entity whatsoever, except the State of New York and its agencies.
 - o. *Public access defibrillation provider*. The term "public access defibrillation provider" or PAD provider, means a person, firm, organization or other entity possessing or operating an automated external defibrillator pursuant to a collaborative agreement under this section.
 - p. *Public Health Council*. The term "Public Health Council" means the Public Health Council of the State of New York.
 - q. *Municipality*. The term "municipality" means a city, town or village located within the County of Westchester
 - r. *Nationally-recognized organization*. The term "nationally-recognized organization" means a national organization approved by the department for the purpose of training people in the use of an automated external defibrillator.

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- s. *State*. The term "state" means the State of New York.
 - t. *State Sanitary Code*. The term "State Sanitary Code" means the rules and regulations promulgated by the Public Health Council of the State of New York and designated as the State Sanitary Code.
 - u. *Swimming pool*. The term "swimming pool" shall mean a structure, together with buildings and appurtenances used in connection therewith, intended for bathing, swimming or diving purposes, made of concrete, masonry, metal, or other impervious material, located either indoors or outdoors or as defined in Chapter 1, Subpart 6-1 of the State Sanitary Code. This definition does not apply to homeowner swimming pools as defined in Section 6-1.2(o) of the State Sanitary Code.
 - v. *Training course*. The term "training course" means a course approved by a nationally-recognized organization or state emergency medical services council in the operation of automated external defibrillators.

(Added xx-xx-2025, eff. Xx xx xxx)

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ARTICLE XII. BATHING FACILITIES: SWIMMING POOLS AND BEACHES

(NEW)

Sec. 873.1204. Swimming Pools and Bathing Beaches: Automatic External Defibrillators (AED)

All operators of swimming pools, as defined in Chapter 1, Subpart 6-1 of the State Sanitary Code, and all operators of bathing beaches, as defined in Chapter 1, Subpart 6-2 of the State Sanitary Code, except homeowner swimming pools as defined in Section 6-1.2(o) of the State Sanitary Code, shall comply with the following:

1. Purchase, acquire, possess and operate an AED after entering into a collaborative agreement with an emergency health care provider.
2. Ensure the collaborative agreement is in writing and contains the following:
 - a. An implementation plan for establishing the location and maintenance of the AED for its emergency use;
 - b. Written assurance that the swimming pool/beach operator and/or PAD operator will file a copy of the collaborative agreement with the New York State Department of Health and notify the appropriate regional council of the AED's existence, location and type prior to operating the AED;
 - c. Develop protocols to maintain and test the AED according to the manufacturers' standards.
 - d. Ensure the emergency health care provider shall participate in the regional quality improvement program.

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3. Post a sign or notice at the main entrance to the facility and other pertinent locations in the environment indicating the location of the AED, and keep this sign or notice updated.
 4. Develop an Implementation plan that describes the following:
 - i. How the AED is properly placed and secured within their facilities and within reasonable proximity of the pool and/or pools on premises, or the beach lifeguard's location where lifesaving equipment is safely kept;
 - ii. How the operator or PAD provider is ensuring that there is at least one employee, volunteer, lifeguard or other qualified adult present at the facility or premises, who has successfully completed a training course within the preceding twenty-four months of the current pool/beach season.
 - iii. How the swimming pool/beach operator will maintain the AED, maintain records about the AED use, utilize an equipment checklist and execute a cardiac emergency protocol for when cardiac emergency incidents occur.

(New)

Sec. 873.1205. Swimming Pools and Bathing Beaches: Automatic External Defibrillators (AED); Medical Emergency Treatment

1. This section shall not prohibit operation of an automated external defibrillator:

(i) by a health care practitioner licensed or certified under title VIII of the New York State education law or a person certified under this article acting within his or her lawful scope of practice;

(ii) by a person acting pursuant to a lawful prescription; or

(iii) by a person who operates the automated external defibrillator other than as part of or incidental to his or her employment or regular duties. Any person who is acting voluntarily, in good faith and with reasonable care, and without expectation of monetary compensation, and renders aid or emergency treatment that includes operation of an automated external defibrillator under this section, shall not be liable for damages for injuries alleged to have been sustained by such person, as per the requirement of NY Public Health §3000-a, nor shall this section limit any good Samaritan protections provided by Section §3000-a of New York Public Health Law.

2. Any person or entity that purchases, operates or facilitates implementation or makes available resuscitation equipment that facilitates first aid by use of an AED pursuant to law or local law, or conducts training under NY Public Health Law Section 3000-c shall not be liable for damages arising either from the use of that equipment as per NY Public Health Law 3000-a.

Sec. 873.1206: Construction, Severability and Pre-emption

This Article shall be liberally construed for the protection of the public health. If any provision of this Article is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Article. Any provision of this code that is inconsistent with the Public Health Law or Title 10 of the New York Codes, Rules and Regulations is pre-empted.