

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 1789** Session of  
2007

INTRODUCED BY SCAVELLO, SIPTROTH, BELFANTI, BISHOP, CARROLL,  
CREIGHTON, CURRY, DALEY, DALLY, DeLUCA, GEIST, GEORGE,  
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J. WHITE, WOJNAROSKI AND YOUNGBLOOD, AUGUST 1, 2007

REFERRED TO COMMITTEE ON EDUCATION, AUGUST 1, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for CPR and  
6 automated external defibrillator instruction; providing for  
7 procedures regarding response to cardiac arrest, for  
8 donations for use related to CPR instruction, for donations  
9 to school entities for use in CPR instruction, for a  
10 cardiovascular screening pilot program and for availability  
11 of automated external defibrillator.

12 The General Assembly finds and declares as follows:

13 (1) Each year at least 250,000 Americans die of sudden  
14 cardiac arrest before they reach a hospital. Sudden cardiac  
15 arrest strikes people of all ages and degrees of fitness, and  
16 usually strikes without warning.

17 (2) Many lives can be saved if bystanders quickly  
18 telephone 911 and begin cardiopulmonary resuscitation (CPR),  
19 or if a trained responder provides defibrillation within  
20 minutes.

1 (3) Most cardiac arrest is caused by ventricular  
2 fibrillation, an abnormal heart rhythm that prevents the  
3 heart from pumping blood, which can be treated by  
4 defibrillation.

5 (4) For this reason, the near availability of an  
6 automated external defibrillator is critical to protecting  
7 lives in locations where emergency personnel may not arrive  
8 in time.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 1205.4 of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, added  
13 November 22, 2000 (P.L.672, No.91), is amended to read:

14 Section 1205.4. CPR and Use of Automated External  
15 Defibrillator Instruction.--(a) School entities shall [be  
16 required to offer a cardiopulmonary resuscitation training (CPR)  
17 class] make available to district employes and volunteers  
18 instruction in the principles and techniques of cardiopulmonary  
19 resuscitation (CPR) and the use of an automated external  
20 defibrillator (AED), as defined in section 1423, on school  
21 premises at least once every three years. The course shall be  
22 offered as an option to all employes and volunteers of the  
23 school entity.

24 (b) Completion of training, including testing of skills and  
25 knowledge, shall be documented by the signature and title of a  
26 representative of the training entity and shall include the date  
27 training was completed. Documentation shall be retained in the  
28 facility in that employe's or volunteer's file. Training shall  
29 be conducted by:

30 (1) the American Red Cross;

1 (2) the American Heart Association;

2 (3) an individual certified to conduct CPR training by the  
3 American Red Cross, American Heart Association or other  
4 certifying agency approved by the Department of Health; or

5 (4) other certifying agency approved by the Department of  
6 Health.

7 (c) School [districts] entities may include this training in  
8 the continuing education plan submitted by the district to the  
9 Department of Education under section 1205.1.

10 (c.1) Each school nurse, assistant school nurse, athletic  
11 coach or sponsor, physical education instructor, marching band  
12 director, athletic trainer, cheerleading coach, and any other  
13 school employe specified by the secretary and each student who  
14 serves as an athletic trainer must participate in the  
15 instruction in the use of an automated external defibrillator. A  
16 person described in this subsection must receive and maintain  
17 certification in the use of an automated external defibrillator  
18 from the American Heart Association, the American Red Cross or a  
19 similar nationally recognized association.

20 (c.2) A nonpublic or private school that receives an  
21 automated external defibrillator from the department or receives  
22 funding from a certifying agency to purchase or lease an  
23 automated external defibrillator under section 1205.5 shall  
24 adopt a policy under which the school makes available to school  
25 employes and volunteers instruction in the principles and  
26 techniques of cardiopulmonary resuscitation and the use of an  
27 automated external defibrillator. The policy must comply with  
28 the requirements prescribed by this section and rules adopted by  
29 the department.

30 (d) For purposes of this section, a school entity shall be

1 defined as a local school district, intermediate unit, [or] area  
2 vocational-technical school or charter school.

3 Section 2. The act is amended by adding sections to read:

4 Section 1205.5. Procedures Regarding Response to Cardiac  
5 Arrest.--(a) Each school entity, nonpublic and private school  
6 shall develop safety procedures to follow in responding to a  
7 medical emergency involving cardiac arrest, including the  
8 appropriate response time in administering cardiopulmonary  
9 resuscitation, using an automated external defibrillator, or  
10 calling a local emergency medical services provider.

11 (b) A nonpublic or private school that receives an automated  
12 external defibrillator from the Department of Education or  
13 receives funding from the department to purchase or lease an  
14 automated external defibrillator shall comply with this section.

15 Section 1205.6. Donations for Use Related to CPR and  
16 Automated External Defibrillator Instruction.--(a) The  
17 department may accept donations, including donations of  
18 equipment, for use in providing CPR and AED instruction to  
19 students, school employes and volunteers. The Department of  
20 Education:

21 (1) shall distribute the donations to school entities for  
22 the purpose of CPR and AED instruction under sections 1205.4 and  
23 1205.7; and

24 (2) may use a portion of the donations to the extent  
25 necessary to pay administrative expenses related to the  
26 donations.

27 (b) A school entity may accept from the department donations  
28 the department receives under subsection (a) for use in  
29 providing instruction to students in the principles and  
30 techniques of CPR. A school entity may accept other donations,

1 including donations of equipment, for use in providing the  
2 instruction.

3 (c) To the extent that resources are available to a school  
4 entity under this section, the school entity shall provide  
5 instruction to students in the principles and techniques of CPR.

6 (d) A school entity may use resources other than those made  
7 available under this section to provide instruction to students  
8 in the principles and techniques of CPR.

9 (e) The department may adopt rules as necessary to implement  
10 this section.

11 Section 1205.7. CPR Instruction: Donations to School  
12 Entities for Use in CPR Instruction.--(a) To the extent that  
13 resources are available to a school entity under section 1205.6,  
14 a school entity shall provide instruction to students in the  
15 principles and techniques of CPR.

16 (b) A school entity that provides instruction to students in  
17 the principles and techniques of CPR may accept from the  
18 Department of Education donations the department receives under  
19 section 1205.6 for use in providing instruction to students in  
20 the principles and techniques of CPR. A school entity may accept  
21 other donations, including donations of equipment, for use in  
22 providing the instruction.

23 (c) A school entity may use resources other than those made  
24 available under section 1205.6 to provide instruction to  
25 students in the principles and techniques of CPR.

26 Section 1402.1. Cardiovascular Screening Pilot Program.--(a)  
27 There is hereby established a pilot program under which sixth  
28 grade students at participating school entities are administered  
29 a cardiovascular screening, including an electrocardiogram and  
30 an echocardiogram.

1       (b) The Secretary of Education shall select school entities  
2 to participate in the pilot program. In selecting school  
3 entities, the secretary shall ensure that the cardiovascular  
4 screening is administered to an ethnically diverse range of  
5 students.

6       (c) The Department of Education may accept grants and  
7 donations for use in administering the pilot program.

8       (d) Participating school entities shall:

9       (1) provide the results of a student's cardiovascular  
10 screening to the student's parent or guardian; and

11       (2) provide a summary of the results of the cardiovascular  
12 screenings to the department in a manner that does not identify  
13 specific students. Not later than January 1, 2009, the  
14 department shall prepare and deliver to the General Assembly a  
15 report summarizing the results of the cardiovascular screenings.  
16 This subsection expires June 1, 2009.

17       (e) The department may adopt rules necessary to administer  
18 this section.

19       Section 3. Section 1423 of the act, added May 17, 2001  
20 (P.L.4, No.4), is amended to read:

21       Section 1423. [Automatic] Automated External  
22 Defibrillators.--(a) For the fiscal year 2001-2002, the  
23 department shall establish a one-time automatic external  
24 defibrillator program to assist school entities in acquiring  
25 automatic external defibrillators.

26       (b) The department, in consultation with the Department of  
27 General Services, shall issue an invitation to bid for the cost  
28 of automatic external defibrillators. The department shall  
29 accept the bid of the lowest responsible bidder and permit any  
30 school entity to purchase the devices at the contract bid price.

1 (c) To be eligible to obtain or purchase automatic external  
2 defibrillators under the program a school entity must:

3 (1) Assure that two (2) or more persons assigned to the  
4 location where the automatic external defibrillator will be  
5 primarily housed are trained as required in subsection (d).

6 (2) Ensure that the device will be secured in a safe and  
7 readily accessible location and agree to properly maintain and  
8 test the device according to the manufacturer's operational  
9 guidelines.

10 (3) Submit a valid prescription for the device from a  
11 licensed medical practitioner in this Commonwealth.

12 (4) Agree to provide the training required by subsection  
13 (d).

14 (d) School personnel who are expected to use the [automatic]  
15 automated external defibrillator shall complete training in  
16 cardiopulmonary resuscitation and in the use of an [automatic]  
17 automated external defibrillator provided by the American Heart  
18 Association, the American Red Cross or through an equivalent  
19 course of instruction approved by the Department of Health.

20 (e) A school entity may include the training required by  
21 subsection (d) in its continuing professional education plan  
22 submitted to the department under section 1205.1.

23 (f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good  
24 Samaritan civil immunity for use of automated external  
25 defibrillator) shall apply to school employees who render care  
26 with an [automatic] automated external defibrillator.

27 (g) From funds appropriated for this purpose, the  
28 department, upon request, shall provide: up to two (2)  
29 [automatic] automated external defibrillators to each school  
30 district; one (1) [automatic] automated external defibrillator

1 to each intermediate unit; and one (1) [automatic] automated  
2 external defibrillator to each area vocational-technical school.

3 (h) No school entity shall be required to participate in the  
4 automatic external defibrillator program.

5 (i) No later than June 30, 2002, the secretary shall submit  
6 a report to the General Assembly describing the effectiveness of  
7 this section in outfitting the Commonwealth's school entities  
8 with [automatic] automated external defibrillators.

9 (j) The department may adopt guidelines as necessary to  
10 administer this section.

11 (k) As used in this section--

12 "[Automatic] Automated external defibrillator" means a  
13 portable device that uses electric shock to restore a stable  
14 heart rhythm to an individual in cardiac arrest.

15 "Department" means the Department of Education of the  
16 Commonwealth.

17 "School entity" means an area vocational-technical school, a  
18 charter school, an intermediate unit, a nonpublic school or a  
19 school district.

20 "Secretary" means the Secretary of Education of the  
21 Commonwealth.

22 Section 4. The act is amended by adding a section to read:

23 Section 1423.1. Availability of Automated External  
24 Defibrillators.--(a) Every school entity, nonpublic and private  
25 school shall have at least one automated external defibrillator  
26 on the school's premises or campus at all times. The board of  
27 school directors shall adopt a policy regarding the placement  
28 and use of AEDs and the number of personnel who must receive  
29 training as required by section 1205.4.

30 (b) Whenever school entities' facilities are used for

1 school-sponsored or school-approved interscholastic athletics,  
2 and whenever such events or athletics are held at any location,  
3 the school entity whose facilities are being used shall, in  
4 cooperation with the Pennsylvania Interscholastic Athletic  
5 Agency (PIAA), make available an automated external  
6 defibrillator and at least one school employe who is trained  
7 pursuant to section 1205.4 at each interscholastic athletic  
8 contest or competition. The presence of emergency services  
9 personnel shall fulfill the requirement.

10 (c) This section does not:

11 (1) waive any liability or immunity of a school entity or  
12 its officers or employes; or

13 (2) create any liability for or a cause of action against a  
14 school entity or its officers or employes.

15 (d) Every school entity, nonpublic and private school shall  
16 ensure that every AED on the school's premises or campus is  
17 properly tested and maintained in accordance with the  
18 manufacturer's operational guidelines.

19 (e) This section applies to a nonpublic or private school  
20 that receives an automated external defibrillator from the  
21 department or receives funding from the department to purchase  
22 or lease an automated external defibrillator under section  
23 1205.6.

24 Section 5. This act shall take effect in 60 days or  
25 immediately, whichever is later.