

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,
GILLESPIE, GOODMAN, HARHAI, HENNESSEY, HESS, HORNAMAN, KOTIK,
KULA, LEACH, McGEEHAN, MELIO, MILLARD, MURT, O'NEILL, PEIFER,
PETRONE, PICKETT, REICHLEY, SOLOBAY, J. TAYLOR, THOMAS,
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 employees 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 employees 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 employee's or volunteer's file. Training shall
29 be conducted by:

30 (1) the American Red Cross;

(2) the American Heart Association;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) From funds appropriated for this purpose, the department, upon request, shall provide: up to two (2) [automatic] automated external defibrillators to each school 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

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

(c) This section does not:

(1) waive any liability or immunity of a school entity or
its officers or employees; or

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

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

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

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