

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1265 Session of
2011

INTRODUCED BY K. SMITH, R. BROWN, CALTAGIRONE, CARROLL,
BRADFORD, D. COSTA, FREEMAN, GEIST, GEORGE, HESS, HORNAMAN,
MANN, MURT, READSHAW, ROEBUCK, DONATUCCI, DeLUCA AND
PASHINSKI, APRIL 5, 2011

REFERRED TO COMMITTEE ON EDUCATION, APRIL 5, 2011

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
6 instruction; providing for procedures regarding response to
7 cardiac arrest, for donations for use related to CPR and
8 automated external defibrillator instruction and for
9 donations to school entities for use in CPR instruction;
10 repealing provisions relating to automated external
11 defibrillation; and providing for availability of automated
12 external defibrillator.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

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

18 Section 1205.4. CPR and Use of Automated External
19 Defibrillator Instruction.--(a) School entities shall [be
20 required to offer a cardiopulmonary resuscitation training (CPR)
21 class] make available to district employes and volunteers
22 instruction in the principles and techniques of cardiopulmonary

resuscitation (CPR) and the use of an automated external
defibrillator (AED) on school premises at least once every three
years. The course shall be offered as an option to all employees
and volunteers of the school entity.

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

- (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) (1) School entities shall assure that each automated
defibrillator location has at least five (5) persons trained and
certified in the use of an automated external defibrillator.
Each school nurse, assistant school nurse, athletic coach or
sponsor, marching band director, physical education teacher,
athletic trainer, athletic training student aide, cheerleading
coach and any other school employee specified by the Secretary of
Education 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

1 an automated external defibrillator from:

2 (i) the American Red Cross;

3 (ii) the American Heart Association;

4 (iii) an individual certified to conduct automated external
5 defibrillator training by the American Red Cross, American Heart
6 Association or other certifying agency approved by the
7 Department of Health; or

8 (iv) other certifying agency approved by the Department of
9 Health.

10 (2) A school entity shall assure that at a minimum one (1)
11 person trained and certified in the use of an automatic external
12 defibrillator is in the immediate vicinity of the location of
13 the automatic external defibrillator during school hours.

14 (c.2) A nonpublic or private school that receives an AED
15 from the Department of Education or receives funding from a
16 certifying agency to purchase or lease an AED under section
17 1205.6 shall adopt a policy under which the school makes
18 available to school employees and volunteers instruction in the
19 principles and techniques of cardiopulmonary resuscitation and
20 the use of an AED. The policy must comply with the requirements
21 prescribed by this section and rules adopted by the department.

22 (d) For purposes of this section, a school entity shall be
23 defined as a local school district, intermediate unit, [or] area
24 vocational-technical school, charter school or cyber charter
25 school.

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

27 Section 1205.6. Procedures Regarding Response to Cardiac
28 Arrest.--(a) Each school entity, nonpublic and private school
29 shall develop safety procedures to follow in responding to a
30 medical emergency involving cardiac arrest, including the

appropriate response time in administering cardiopulmonary resuscitation, using an automated external defibrillator (AED) or calling a local emergency medical services provider.

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

Section 1205.7. Donations for Use Related to CPR and Automated External Defibrillator Instruction.--(a) The

Department of Education may accept donations, including donations of equipment, for use in providing cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) instruction to students, school employes and volunteers. The department:

(1) shall distribute the donations to school entities for the purpose of CPR and AED instruction under section 1205.4; 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 of Education donations the department receives under subsection (a) for use in providing instruction to students in the principles and techniques of CPR and operating an AED. 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 make available instruction to students in the principles and techniques of CPR and operating an AED.

(d) A school entity may use resources other than those made

available under this section to make available instruction to students in the principles and techniques of CPR and operating an AED.

(e) The Department of Education may adopt rules as necessary to implement this section.

Section 3. Section 1423 of the act, added May 17, 2001 (P.L.4, No.4), is repealed:

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

(b) The department, in consultation with the Department of General Services, shall issue an invitation to bid for the cost of automatic external defibrillators. The department shall accept the bid of the lowest responsible bidder and permit any 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

external defibrillator shall complete training in cardiopulmonary resuscitation and in the use of an automatic 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 external defibrillator.

(g) From funds appropriated for this purpose, the department, upon request, shall provide: up to two (2) automatic external defibrillators to each school district; one (1) automatic external defibrillator to each intermediate unit; and one (1) automatic external defibrillator to each area vocational-technical school.

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

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

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

(k) As used in this section--

"Automatic external defibrillator" means a portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

1 "Department" means the Department of Education of the
2 Commonwealth.

3 "School entity" means an area vocational-technical school, a
4 charter school, an intermediate unit, a nonpublic school or a
5 school district.

6 "Secretary" means the Secretary of Education of the
7 Commonwealth.]

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

9 Section 1423.1. Availability and Specifications of Automated
10 External Defibrillators.--(a) Every school entity, nonpublic
11 and private school shall have at least one automated external
12 defibrillator (AED) in each occupied building on the school's
13 premises or campus at all times. The board of school directors
14 shall adopt a policy regarding the placement and use of AEDs and
15 the number of personnel who must receive training as required by
16 section 1205.4.

17 (b) Whenever a school entity uses its facility for its own
18 school-sponsored or school-approved interscholastic athletics,
19 the school entity shall, in cooperation with the Pennsylvania
20 Interscholastic Athletic Association (PIAA), make available an
21 AED and at least one school employe who is trained and certified
22 pursuant to section 1205.4 at each interscholastic athletic
23 contest or competition. The presence of emergency services
24 personnel shall fulfill the requirement.

25 (c) This section does not:

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

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

30 (d) The provisions of 42 Pa.C.S. § 8331.2 (relating to good

1 Samaritan civil immunity for use of automated external
2 defibrillator) shall apply to school employes who render care
3 with an AED.

4 (e) Every school entity, nonpublic and private school shall
5 ensure that every AED on the school's premises or campus is
6 properly tested and maintained in accordance with the
7 manufacturer's operational guidelines. Every AED in a school
8 entity, nonpublic school or private school shall meet the most
9 recent minimum specifications as required by the Department of
10 Health.

11 Section 5. School entities, nonpublic schools and private
12 schools shall comply with the amendment to section 1205.4 and
13 the addition of sections 1205.6 and 1423.1 of the act no later
14 than three years after the effective date of this section.

15 Section 6. This act shall take effect in 60 days.