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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2673 Session of  
2022

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INTRODUCED BY BONNER, BOBACK, HENNESSEY, HILL-EVANS, JAMES,  
KULIK, McNEILL, MILLARD, NEILSON AND RYAN, JUNE 14, 2022

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REFERRED TO COMMITTEE ON EDUCATION, JUNE 14, 2022

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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," in school health services, providing  
6 for portable airway clearance devices.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 1426. Portable Airway Clearance Devices.--(a)  
13 Beginning with the school year 2022-2023 and each school year  
14 thereafter, each school entity shall provide at least one  
15 portable airway clearance device in the school entity's  
16 cafeteria and in the office of the school nurse. Each device  
17 shall be placed in an unlocked and easily accessible location  
18 during the school day and any other time a school sponsored  
19 event is taking place. The location of each device shall have an  
20 appropriate identifying sign.

1 (b) Each school entity shall develop a policy for the use of  
2 a portable airway clearance device which shall include a  
3 requirement that each professional employe employed by the  
4 school entity receive training in airway management and in the  
5 removal of an obstruction from the airway using a portable  
6 airway clearance device. The policy shall be made available on  
7 the school entity's publicly accessible Internet website.

8 (c) A school entity may seek Federal funding or other  
9 sources of funding to comply with the requirements of this  
10 section.

11 (d) Within sixty (60) days of the effective date of this  
12 section, the Department of Education in consultation with the  
13 Department of Health shall provide technical assistance,  
14 resources and publish information on the Department of  
15 Education's publicly accessible Internet website regarding the  
16 use of a portable airway clearance device by a professional  
17 employe, including:

18 (1) Proper use of a device.

19 (2) Recognition of the signs and symptoms of choking.

20 (3) Requirements for proper access and storage of a portable  
21 airway clearance device.

22 (4) Notification of appropriate persons following use of a  
23 portable airway clearance device.

24 (e) As used in this section, the following words and phrases  
25 shall have the meanings given to them in this subsection unless  
26 the context clearly indicates otherwise:

27 "Portable airway clearance device" or "device" means a  
28 portable medical device that uses manually created suction to  
29 remove a blockage from the airway during a choking emergency and  
30 has been classified as a Class II non-powered suction apparatus

1 device under 21 CFR 878.4683 (relating to non-powered suction  
2 apparatus device intended for negative pressure wound therapy).

3 "Professional employe" means as defined in section 1101(1).

4 "School entity" means a school district, intermediate unit,  
5 area career and technical school, charter school, cyber charter  
6 school or regional charter school.

7 Section 2. This act shall take effect immediately.