

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 755 Session of 2023

INTRODUCED BY BONNER, GILLEN, JAMES, JOZWIAK, MOUL, SCIALABBA
AND ZIMMERMAN, MARCH 28, 2023

REFERRED TO COMMITTEE ON EDUCATION, MARCH 28, 2023

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 2023-2024 and each school year
14 thereafter, each school entity shall provide at least one
15 portable airway clearance device in each of the school entity's
16 cafeterias and in or outside of the office of the school nurse.
17 Each device shall be placed in an unlocked and easily accessible
18 location during the school day. The location of each device
19 shall have an appropriate identifying sign.

20 (b) Each school entity shall develop guidelines for the use

of a portable airway clearance device which shall include a requirement that, at a minimum, each school nurse employed by the school entity and each employee of the school entity who is assigned to work in the cafeteria while students are present as part of the employee's duties receive training in airway management and in the removal of an obstruction from the airway using a portable airway clearance device. The guidelines shall:

(1) Require that all employees be notified of the location of the devices.

(2) Require that instructions for use be stored with the device.

(3) Require that the training be made available to any other school employee who chooses to receive it. The training may be included in an in-service program provided by the school entity and may consist of watching a video.

(4) Be made available on the school entity's publicly accessible Internet website.

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

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

(1) Proper use of a device.

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

(3) Requirements for proper access and storage of a portable

airway clearance device.

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

(e) Nothing in this section shall be construed to create, establish or expand any civil liability on the part of any school entity or school entity employee. The provisions of 42 Pa.C.S. §§ 8332 (relating to emergency response provider and bystander good Samaritan civil immunity) and 8337.1 (relating to civil immunity of school officers or employees relating to emergency care, first aid and rescue) shall apply to a school entity employee who administers a portable airway clearance device in a manner consistent with the guidelines adopted by the school entity under subsection (b).

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

"Portable airway clearance device" or "device" means a portable medical device that uses manually created suction to remove a blockage from the airway during a choking emergency and has been classified as a Class II non-powered suction apparatus device under 21 CFR 878.4683 (relating to non-powered suction apparatus device intended for negative pressure wound therapy).

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

Section 2. This act shall take effect immediately.