

AMENDMENTS TO SENATE BILL NO. 375

Sponsor: SENATOR ARGALL

Printer's No. 318

1 Amend Bill, page 1, lines 1 through 11, by striking out all
2 of said lines and inserting
3 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
4 act relating to the public school system, including certain
5 provisions applicable as well to private and parochial
6 schools; amending, revising, consolidating and changing the
7 laws relating thereto," in certification of teachers,
8 repealing provisions relating to CPR instruction; and, in
9 school health services, repealing provisions relating to
10 automatic external defibrillators and providing for AED and
11 CPR instruction and procedure, establishing the Automated
12 External Defibrillator (AED) Program and providing for
13 availability and specifications of automated external
14 defibrillators.
15 This act shall be known and may be cited as Greg Moyer's Law.

16 Amend Bill, page 1, lines 14 through 22; pages 2 through 10,
17 lines 1 through 30; page 11, lines 1 through 3; by striking out
18 all of said lines on said pages and inserting

19 Section 1. Sections 1205.4 and 1423 of the act of March 10,
20 1949 (P.L.30, No.14), known as the Public School Code of 1949,
21 are repealed:

22 [Section 1205.4. CPR Instruction.--(a) School entities
23 shall be required to offer a cardiopulmonary resuscitation
24 training (CPR) class on school premises at least once every
25 three years. The course shall be offered as an option to all
26 employes of the school entity.

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

- 32 (1) the American Red Cross;
- 33 (2) the American Heart Association;
- 34 (3) an individual certified to conduct CPR training by the
35 American Red Cross, American Heart Association or other

1 certifying agency approved by the Department of Health; or
2 (4) other certifying agency approved by the Department of
3 Health.

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

7 (d) For purposes of this section, a school entity shall be
8 defined as a local school district, intermediate unit or area
9 career and technical school.

10 Section 1423. Automatic External Defibrillators.--(a) The
11 department shall establish an automatic external defibrillator
12 program to assist school entities and nonpublic schools in
13 making automatic external defibrillators available in school
14 buildings.

15 (b) On a biennial basis, the department, in consultation
16 with the Department of General Services and the Department of
17 Health, shall issue an invitation to bid for the cost of
18 automatic external defibrillators and other equipment and
19 supplies necessary for the proper operation of the device. The
20 department shall accept the bid of the lowest responsible bidder
21 and permit any school entity or nonpublic school to purchase the
22 devices at the contract bid price. The department may purchase
23 automatic external defibrillators from any funds appropriated
24 pursuant to subsection (k) for distribution to school entities
25 and nonpublic schools.

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

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

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

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

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

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

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

49 (f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good
50 Samaritan civil immunity for use of automated external
51 defibrillator) shall apply to school employes who render care

1 with an automatic external defibrillator.

2 (g) From funds appropriated for this purpose, the department
3 may assist school entities and nonpublic schools that are not
4 equipped with automatic external defibrillators by providing a
5 discount from the contract bid price obtained under subsection
6 (b) or by providing automatic external defibrillators obtained
7 under subsection (b).

8 (g.1) The purchase of an automatic external defibrillator
9 shall be considered an allowable use of Pennsylvania
10 Accountability Grants under section 2599.2(b).

11 (g.2) The purchase of automatic external defibrillators
12 shall be considered an innovative educational program under
13 Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known
14 as the "Tax Reform Code of 1971."

15 (h) (Reserved).

16 (i) Not later than June 30, 2014, and each year thereafter,
17 each school entity shall make a report to the department
18 detailing the number, condition, age and placement of automatic
19 external defibrillators in each school building. After the
20 initial report is made, a school entity may report this
21 information as part of the annual report required by the
22 Commonwealth under section 2505.1 to receive State reimbursement
23 for health services.

24 (i.1) A nonpublic school that participates in the automatic
25 external defibrillator program under subsection (b) or (g) shall
26 be subject to the reporting required under subsection (i).

27 (i.2) The department shall annually publish a report on its
28 publicly accessible Internet website no later than December 31,
29 2014, and each year thereafter. The report shall contain the
30 following information:

31 (1) The total number of automatic external defibrillators by
32 school entity and nonpublic school.

33 (2) The number of school buildings by school entity and
34 nonpublic school that are equipped with automatic external
35 defibrillators.

36 (3) The number of school buildings by school entity and
37 nonpublic school that are not equipped with automatic external
38 defibrillators.

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

41 (k) The General Assembly may appropriate funds to carry out
42 the provisions of this section.

43 (l) As used in this section--

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

47 "Department" means the Department of Education of the
48 Commonwealth.

49 "Nonpublic school" means a nonprofit school, other than a
50 public school within this Commonwealth, wherein a resident of
51 this Commonwealth may legally fulfill the compulsory school

1 attendance requirements of this act and which meets the
2 applicable requirements of Title VI of the Civil Rights Act of
3 1964 (Public Law 88-352, 78 Stat. 241).

4 "School building" means a building owned by or under the
5 control of a school entity or nonpublic school where classes are
6 taught or extracurricular activities are conducted on a regular
7 basis.

8 "School entity" means an area career and technical school, a
9 charter school, a cyber charter school, an intermediate unit or
10 a school district.

11 "Secretary" means the Secretary of Education of the
12 Commonwealth.]

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

14 Section 1423.1. AED and CPR Instruction and Procedure.--(a)
15 Each school entity shall make available to the school entity's
16 employees and volunteers instruction in the principles and
17 techniques of cardiopulmonary resuscitation (CPR) and the use of
18 an automated external defibrillator (AED) on school premises at
19 least once every two years. The following apply:

20 (1) The instruction shall be offered as an option to all
21 school entity employees and volunteers.

22 (2) The instruction shall be conducted by any of the
23 following:

24 (i) The American Red Cross.

25 (ii) The American Heart Association.

26 (iii) An individual certified to conduct CPR training by the
27 American Red Cross, American Heart Association or other
28 certifying agency approved by the Department of Health.

29 (iv) Another certifying agency approved by the Department of
30 Health.

31 (3) A school entity, nonpublic school or private school, as
32 applicable, may provide the instruction under this section
33 through the Internet or other electronic means.

34 (b) The following apply to AED locations and training:

35 (1) Each school entity shall ensure that each AED location
36 has at least five (5) individuals trained and certified in the
37 use of an AED.

38 (2) Each school nurse or designee, coach of an athletic
39 activity, music director, physical education teacher, athletic
40 trainer and athletic training student aide within each school
41 entity must participate in the instruction in the use of an AED.

42 (3) An individual described in this subsection must complete
43 training and maintain certification in the use of an AED in
44 accordance with this section.

45 (4) Each school entity shall ensure that at a minimum five
46 (5) individuals trained in the use of an AED have access to the
47 AED on the premises of the school entity.

48 (c) The following apply to continuing education
49 requirements:

50 (1) A school entity may include the training under this
51 section in the continuing education plan submitted by the

1 district to the department under section 1205.1.
2 (2) Satisfying the education requirements of this section
3 shall also satisfy the education requirements under section
4 1425(d).
5 (d) Completion of training under subsections (a) and (b),
6 including the testing of skills and knowledge, shall be
7 documented by the signature and title of a representative of the
8 training entity and shall include the date that the training was
9 completed. The documentation shall be retained by the school
10 entity in the file of the employe or volunteer that completed
11 the training.
12 (e) The following apply to a cardiac emergency response
13 plan:
14 (1) Each school entity, nonpublic school or private school
15 shall develop or amend an existing cardiac emergency response
16 plan that includes:
17 (i) Nationally recognized evidence-based core elements or
18 standards.
19 (ii) An annual review.
20 (iii) Safety procedures to follow in response to a medical
21 emergency involving cardiac arrest and the use of an AED.
22 (iv) The placement of AEDs on school premises.
23 (v) The number of individuals who must receive training.
24 (2) The cardiac emergency response plan of each school
25 entity, nonpublic school or private school shall:
26 (i) Provide cardiac awareness information to be distributed
27 annually to school employes and those responsible for
28 extracurricular activities, community group activities, summer
29 or other programs using the facilities of the school entity.
30 (ii) Require conducting annual sudden cardiac arrest drills
31 with or without the participation of students to test the
32 cardiac emergency response plan in response to a sudden cardiac
33 arrest.
34 (f) As used in this section, the following words and phrases
35 shall have the meanings given to them in this subsection unless
36 the context clearly indicates otherwise:
37 "Athletic activity" means as defined in section 1425(h).
38 "Automated external defibrillator" or "AED" means a portable
39 device that uses electric shock to restore a stable heart rhythm
40 to an individual in cardiac arrest.
41 "Department" means the Department of Education of the
42 Commonwealth.
43 "Nonpublic school" means a nonprofit school, other than a
44 public school within this Commonwealth, wherein a resident of
45 this Commonwealth may legally fulfill the compulsory school
46 attendance requirements of this act and which meets the
47 applicable requirements of Title VI of the Civil Rights Act of
48 1964 (Public Law 88-352, 78 Stat. 241).
49 "Private school" means a school licensed under the act of
50 December 15, 1986 (P.L.1585, No.174), known as the Private
51 Licensed Schools Act.

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

4 "Volunteer" means an individual who holds an unpaid position
5 with a school entity as a volunteer for a program, activity or
6 service and is responsible for the welfare of children or has
7 direct volunteer contact.

8 Section 1423.2. Automated External Defibrillator (AED)
9 Program.--(a) The department shall establish the Automated
10 External Defibrillator (AED) Program to assist school entities,
11 nonpublic schools and private schools in making AEDs available
12 in school buildings.

13 (b) On a biennial basis, the department, in consultation
14 with the Department of General Services and the Department of
15 Health, shall issue an invitation to bid for the cost of AEDs
16 and other equipment and supplies necessary for the proper
17 operation of the device. The department shall accept the bid of
18 the lowest responsible bidder and permit any school entity,
19 nonpublic school or private school to purchase the devices at
20 the contract bid price. The department may purchase AEDs from
21 any money appropriated in accordance with subsection (l) for
22 distribution to school entities, nonpublic schools or private
23 schools.

24 (c) To be eligible to obtain or purchase AEDs under the
25 program, a school entity, nonpublic school or private school
26 must:

27 (1) Comply with the provisions in section 1423.1.

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

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

34 (d) The provisions of 42 Pa.C.S. § 8331.2 (relating to good
35 Samaritan civil immunity for use of automated external
36 defibrillator) shall apply to school entity, nonpublic school or
37 private school employees who render care with an AED.

38 (e) From money appropriated for this purpose, the department
39 may assist school entities, nonpublic schools and private
40 schools that are not equipped with AEDs by providing a discount
41 from the contract bid price obtained under subsection (b) or by
42 providing AEDs obtained under subsection (b).

43 (f) The purchase of an AED shall be considered an allowable
44 use of Pennsylvania Accountability Grants under section
45 2599.2(b).

46 (g) The purchase of AEDs shall be considered an innovative
47 educational program under Article XX-B.

48 (h) The purchase of AEDs shall be considered an eligible
49 school safety and security expense in section 1306-B(j).

50 (i) The department may accept donations, including donations
51 of equipment, for use in providing cardiopulmonary resuscitation

1 (CPR) and AED instruction to students, employes and volunteers
2 at school entities, nonpublic schools and private schools. The
3 following apply:

4 (1) The department shall geographically distribute any
5 donations to school entities, nonpublic schools and private
6 schools for the purpose of CPR and AED instruction under section
7 1423.1.

8 (2) A school entity, nonpublic school or private school may
9 accept from the department donations received under this
10 subsection for use in providing instruction to students, school
11 employes and volunteers in the principles and techniques of CPR
12 and operating an AED. A school entity, nonpublic school or
13 private school may accept other donations, including donations
14 of equipment, for use in providing the instruction.

15 (3) To the extent that resources are available to a school
16 entity, nonpublic school or private school under this section,
17 the school entity, nonpublic school or private school may make
18 available instruction to students in the principles and
19 techniques of CPR and operating an AED.

20 (4) A school entity, nonpublic school or private school may
21 use resources other than those made available under this section
22 to make available instruction to students, school employes and
23 volunteers in the principles and techniques of CPR and operating
24 an AED.

25 (j) The following apply to reports:

26 (1) Not later than June 30, 2023, and each year thereafter,
27 each school entity shall make a report to the department
28 detailing the number, condition, age, expiration date and
29 placement of AEDs in each school building of the school entity.
30 After the initial report is made, the school entity may report
31 this information as part of the annual report required by the
32 Commonwealth under section 2505.1 to receive State reimbursement
33 for health services.

34 (2) A nonpublic school or private school that participates
35 in the program under subsection (b) or (e) shall be subject to
36 the reporting required under paragraph (1).

37 (3) The department shall annually publish a report on its
38 publicly accessible Internet website no later than December 31,
39 2023, and each year thereafter. The report shall contain the
40 following information:

41 (i) The total number of AEDs by school entity, nonpublic
42 school or private school.

43 (ii) The number of school buildings by school entity,
44 nonpublic school or private school that are equipped with AEDs.

45 (iii) The number of school buildings by school entity,
46 nonpublic school or private school that are not equipped with
47 AEDs.

48 (k) The department may adopt guidelines as necessary to
49 administer this section.

50 (l) The General Assembly may appropriate money to carry out
51 the provisions of this section.

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

4 "Automated external defibrillator" or "AED" means as defined
5 in section 1423.1.

6 "Department" means as defined in section 1423.1.

7 "Nonpublic school" means as defined in section 1423.1.

8 "Private school" means as defined in section 1423.1.

9 "Program" means the Automated External Defibrillator (AED)
10 Program established under this section.

11 "School building" means a building owned by or under the
12 control of a school entity, nonpublic school or private school
13 where classes are taught or extracurricular activities are
14 conducted on a regular basis.

15 "School entity" means as defined in section 1423.1.

16 Section 1423.3. Availability and Specifications of Automated
17 External Defibrillators.--(a) Each school entity, nonpublic
18 school and private school shall have at least one automated
19 external defibrillator (AED) in each occupied building on the
20 premises of the school entity, nonpublic school or private
21 school at all times and available for each athletic activity.
22 The presence of emergency services personnel shall fulfill this
23 requirement.

24 (b) If a school entity, nonpublic school or private school
25 uses its premises for its own school-sponsored or school-
26 approved interscholastic athletics, the school entity, nonpublic
27 school or private school shall, in cooperation with the
28 Pennsylvania Interscholastic Athletic Association, make
29 available an AED and at least one employe of the school entity,
30 nonpublic school or private school who is trained and certified
31 under section 1423.1 at each interscholastic athletic contest or
32 competition. The presence of emergency services personnel shall
33 fulfill this requirement.

34 (c) This section does not:

35 (1) waive any liability or immunity of a school entity,
36 nonpublic school or private school or its officers or employes;
37 or

38 (2) create any liability for or a cause of action against a
39 school entity, nonpublic school or private school or its
40 officers or employes.

41 (d) The provisions of 42 Pa.C.S. § 8331.2 (relating to good
42 Samaritan civil immunity for use of automated external
43 defibrillator) shall apply to school entity, nonpublic school or
44 private school employes who render care with an AED.

45 (e) Each school entity, nonpublic school and private school
46 shall ensure that each AED on the premises of the school entity,
47 nonpublic school or private school is properly tested and
48 maintained in accordance with the manufacturer's operational
49 guidelines. Each AED in a school entity, nonpublic school or
50 private school shall meet the most recent minimum specifications
51 as required by the Department of Health.

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

4 "Automated external defibrillator" or "AED" means as defined
5 in section 1423.1.

6 "Emergency services personnel" means any of the following:

7 (1) An emergency medical responder.

8 (2) An emergency medical technician.

9 (3) An advanced emergency medical technician.

10 (4) A paramedic.

11 (5) A prehospital registered nurse.

12 (6) A prehospital physician extender.

13 (7) A prehospital emergency medical services physician.

14 (8) An individual prescribed by regulations of the

15 Department of Health to provide specialized emergency medical
16 services.

17 "Nonpublic school" means as defined in section 1423.1.

18 "Private school" means as defined in section 1423.1.

19 "School entity" means as defined in section 1423.1.

20 Section 3. School entities, nonpublic schools and private
21 schools shall comply with the addition of sections 1423.1,
22 1423.2 and 1423.3 of the act no later than three years after the
23 effective date of this section.

24 Section 4. This act shall take effect immediately.