

AMENDMENTS TO SENATE BILL NO. 375

Sponsor: SENATOR BROWN

Printer's No. 905

1 Amend Bill, page 1, lines 12 through 24, 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; in school
9 safety and security, further providing for School Safety and
10 Security Grant Program; and, in school health services,
11 further providing for definitions, repealing provisions
12 relating to automatic external defibrillators, providing for
13 AED and CPR instruction and procedure, establishing the
14 Automated External Defibrillator (AED) Program and providing
15 for availability and specifications of automated external
16 defibrillators.
17 This act shall be known and may be cited as Greg Moyer's Law.

18 Amend Bill, page 1, line 27; pages 2 through 23, lines 1
19 through 30; page 24, lines 1 through 19; by striking out all of
20 said lines on said pages and inserting

21 Section 1. Section 1205.4 of the act of March 10, 1949
22 (P.L.30, No.14), known as the Public School Code of 1949, is
23 repealed:

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

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

- 34 (1) the American Red Cross;
35 (2) the American Heart Association;

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

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

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

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

12 Section 2. Section 1306-B(h) (4) of the act is amended and
13 the subsection is amended by adding a paragraph to read:
14 Section 1306-B. School Safety and Security Grant Program.

15 * * *

16 (h) School Safety and Security Fund.--

17 * * *

18 (4) The fund may only be used for the grant programs
19 authorized under this article and for providing automated
20 external defibrillators under section 1423.2 and no money in
21 the fund may be transferred or diverted to any other purpose
22 by administrative action.

23 * * *

24 (13) Notwithstanding any other provision of law, during
25 fiscal years 2024-2025 through 2028-2029, not less than 1% of
26 the money in the fund shall be transferred to the department
27 for the purchase of or providing discounts for automated
28 external defibrillators under section 1423.2. Any amount of
29 the money transferred by the commission to the department
30 that is unexpended, uncommitted or unencumbered by the
31 department by September 30 of each succeeding fiscal year
32 must be returned to the fund.

33 * * *

34 Section 3. Section 1401 of the act is amended by adding a
35 definition to read:

36 Section 1401. Definitions.--As used in this article--

37 * * *

38 (17) "Automated external defibrillator" or "AED" means a
39 portable device that uses electric shock to restore a stable
40 heart rhythm to an individual in cardiac arrest.

41 Section 4. Section 1423 of the act is repealed:

42 [Section 1423. Automatic External Defibrillators.--(a) The
43 department shall establish an automatic external defibrillator
44 program to assist school entities and nonpublic schools in
45 making automatic external defibrillators available in school
46 buildings.

47 (b) On a biennial basis, the department, in consultation
48 with the Department of General Services and the Department of
49 Health, shall issue an invitation to bid for the cost of
50 automatic external defibrillators and other equipment and
51 supplies necessary for the proper operation of the device. The

1 department shall accept the bid of the lowest responsible bidder
2 and permit any school entity or nonpublic school to purchase the
3 devices at the contract bid price. The department may purchase
4 automatic external defibrillators from any funds appropriated
5 pursuant to subsection (k) for distribution to school entities
6 and nonpublic schools.

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

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

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

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

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

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

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

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

34 (g) From funds appropriated for this purpose, the department
35 may assist school entities and nonpublic schools that are not
36 equipped with automatic external defibrillators by providing a
37 discount from the contract bid price obtained under subsection
38 (b) or by providing automatic external defibrillators obtained
39 under subsection (b).

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

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

47 (h) (Reserved).

48 (i) Not later than June 30, 2014, and each year thereafter,
49 each school entity shall make a report to the department
50 detailing the number, condition, age and placement of automatic
51 external defibrillators in each school building. After the

1 initial report is made, a school entity may report this
2 information as part of the annual report required by the
3 Commonwealth under section 2505.1 to receive State reimbursement
4 for health services.

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

8 (i.2) The department shall annually publish a report on its
9 publicly accessible Internet website no later than December 31,
10 2014, and each year thereafter. The report shall contain the
11 following information:

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

14 (2) The number of school buildings by school entity and
15 nonpublic school that are equipped with automatic external
16 defibrillators.

17 (3) The number of school buildings by school entity and
18 nonpublic school that are not equipped with automatic external
19 defibrillators.

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

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

24 (l) As used in this section--

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

28 "Department" means the Department of Education of the
29 Commonwealth.

30 "Nonpublic school" means a nonprofit school, other than a
31 public school within this Commonwealth, wherein a resident of
32 this Commonwealth may legally fulfill the compulsory school
33 attendance requirements of this act and which meets the
34 applicable requirements of Title VI of the Civil Rights Act of
35 1964 (Public Law 88-352, 78 Stat. 241).

36 "School building" means a building owned by or under the
37 control of a school entity or nonpublic school where classes are
38 taught or extracurricular activities are conducted on a regular
39 basis.

40 "School entity" means an area career and technical school, a
41 charter school, a cyber charter school, an intermediate unit or
42 a school district.

43 "Secretary" means the Secretary of Education of the
44 Commonwealth.]

45 Section 5. The act is amended by adding sections to read:

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

1 (1) The instruction shall be offered as an option to all
2 school entity employes and volunteers.

3 (2) The instruction shall be conducted by any of the
4 following:

5 (i) The American Red Cross.

6 (ii) The American Heart Association.

7 (iii) National Safety Council.

8 (iv) An individual certified to conduct CPR training by the
9 American Red Cross, American Heart Association or other
10 certifying agency approved by the Department of Health.

11 (v) Another certifying agency approved by the Department of
12 Health.

13 (3) A school entity may provide the instruction under this
14 section through the Internet or other electronic means.

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

16 (1) Each school entity shall ensure that each AED location
17 has at least five individuals trained and certified in CPR and
18 in the use of an AED by an entity under subsection (a)(2).

19 (2) Each school nurse or designee, coach of an athletic
20 activity, music director, physical education teacher, athletic
21 trainer and athletic training student aide within each school
22 entity must participate in CPR training and awareness that
23 follows the guidelines set by a nationally recognized
24 guidelines-based organization for emergency cardiovascular care.

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

28 (4) Each school entity shall ensure that the individuals
29 trained in the use of an AED have access to the AED on the
30 premises of the school entity.

31 (c) The following apply to continuing education
32 requirements:

33 (1) A school entity may include the training under this
34 section in the continuing education plan submitted to the
35 department under section 1205.1.

36 (2) Satisfying the education requirements of this section
37 shall also satisfy the education requirements under section
38 1425(d).

39 (d) Completion of training under this section, including the
40 testing of skills and knowledge, shall be documented by the
41 signature and title of a representative of the training entity
42 and shall include the date that the training was completed. The
43 documentation shall be retained by the school entity in the file
44 of the employe or volunteer that completed the training.

45 (e) The following apply to a cardiac emergency response
46 plan:

47 (1) Each school entity shall develop or amend an existing
48 cardiac emergency response plan that includes:

49 (i) Nationally recognized evidence-based core elements or
50 standards.

51 (ii) An annual review.

1 (iii) Safety procedures to follow in response to a medical
2 emergency involving cardiac arrest and the use of an AED.

3 (iv) The placement of AEDs on school premises.

4 (v) The number of individuals who must receive training.

5 (2) The cardiac emergency response plan of each school
6 entity shall:

7 (i) Provide cardiac awareness information to be distributed
8 annually to school entity employes and those responsible for
9 extracurricular activities, community group activities, summer
10 or other programs using the facilities of the school entity.

11 (ii) Require conducting annual sudden cardiac arrest drills
12 with or without the participation of students to test the
13 cardiac emergency response plan in response to a sudden cardiac
14 arrest.

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

18 "Athletic activity" means as defined in section 1425(h).

19 "Department" means the Department of Education of the
20 Commonwealth.

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

24 "Volunteer" means an individual who holds an unpaid position
25 with a school entity or nonpublic school as a volunteer for a
26 program, activity or service and is responsible for the welfare
27 of children or has direct volunteer contact.

28 Section 1423.2. Automated External Defibrillator (AED)
29 Program.--(a) The department shall establish the Automated
30 External Defibrillator (AED) Program to assist school entities
31 and nonpublic schools in making AEDs available in school
32 buildings.

33 (b) On a biennial basis, the department, in consultation
34 with the Department of General Services and the Department of
35 Health, shall issue an invitation to bid for the cost of AEDs
36 and other equipment and supplies necessary for the proper
37 operation of the device. The department shall accept the bid of
38 the lowest responsible bidder and permit any school entity or
39 nonpublic school to purchase the devices at the contract bid
40 price. The department may provide AEDs from any money made
41 available under section 1306-B(h)(4) and (13) for distribution
42 to school entities and may loan the AEDs free of charge to
43 nonpublic schools.

44 (c) To be eligible to obtain, purchase or loan AEDs under
45 the program, a school entity or nonpublic school must:

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

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

51 (3) Submit a valid prescription for the device from a

1 licensed medical practitioner in this Commonwealth.

2 (d) The provisions of 42 Pa.C.S. § 8331.2 (relating to good
3 Samaritan civil immunity for use of automated external
4 defibrillator) shall apply to school entity and nonpublic school
5 employees who render care with an AED.

6 (e) From money made available for this purpose under section
7 1306-B(h)(4) and (13), the department may assist school entities
8 and nonpublic schools that are not equipped with the necessary
9 number of AEDs by providing a discount from the contract bid
10 price obtained under subsection (b) or by providing or loaning
11 AEDs under subsection (b).

12 (f) The purchase of an AED shall be considered an allowable
13 use of Pennsylvania Accountability Grants under section
14 2599.2(b).

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

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

19 (i) The department may accept donations, including donations
20 of equipment, for use in providing cardiopulmonary resuscitation
21 (CPR) and AED instruction to students, employees and volunteers
22 at school entities and nonpublic schools. The following apply:

23 (1) The department shall geographically distribute any
24 donations to school entities and nonpublic schools for the
25 purpose of CPR and AED instruction under section 1423.1.

26 (2) A school entity or nonpublic school may accept from the
27 department donations received under this subsection for use in
28 providing instruction to students, school employees and
29 volunteers in the principles and techniques of CPR and operating
30 an AED. A school entity or nonpublic school may accept other
31 donations, including donations of equipment, for use in
32 providing the instruction.

33 (3) To the extent that resources are available to a school
34 entity or nonpublic school under this section, the school entity
35 or nonpublic school may make available instruction to students
36 in the principles and techniques of CPR and operating an AED.

37 (4) A school entity or nonpublic school may use resources
38 other than those made available under this section to make
39 available instruction to students, school employees and
40 volunteers in the principles and techniques of CPR and operating
41 an AED.

42 (j) The following apply to reports:

43 (1) Not later than December 31, 2024, and each year
44 thereafter, each school entity and nonpublic school shall make a
45 report to the department detailing the number, condition, age,
46 expiration date and placement of AEDs in each school building of
47 the school entity or nonpublic school.

48 (2) The department shall annually publish a report on its
49 publicly accessible Internet website no later than June 30,
50 2025, and each year thereafter. The report shall contain the
51 following information:

1 (i) The total number of AEDs by school entity and nonpublic
2 school.

3 (ii) The number of school buildings by school entity and
4 nonpublic school that are equipped with AEDs.

5 (iii) The number of school buildings by school entity and
6 nonpublic school that are not equipped with AEDs.

7 (k) The department may adopt guidelines as necessary to
8 administer this section.

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

12 "Department" means as defined in section 1423.1.

13 "Nonpublic school" means a nonprofit school, other than a
14 public school within this Commonwealth, wherein a resident of
15 this Commonwealth may legally fulfill the compulsory school
16 attendance requirements of this act and which meets the
17 applicable requirements of Title VI of the Civil Rights Act of
18 1964 (Public Law 88-352, 78 Stat. 241).

19 "Program" means the Automated External Defibrillator (AED)
20 Program established under this section.

21 "School building" means a building owned by or under the
22 control of a school entity or nonpublic school where classes are
23 taught or extracurricular activities are conducted on a regular
24 basis.

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

26 Section 1423.3. Availability and Specifications of Automated
27 External Defibrillators.--(a) Each school entity and nonpublic
28 school shall have no less than one automated external
29 defibrillator in each building occupied by students and situate
30 automated external defibrillators on its premises for use in
31 athletic activities.

32 (b) Nothing in this section shall be construed as
33 establishing any liability for or a cause of action against a
34 school entity or nonpublic school or its officers or employes.

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

39 (d) Each school entity or nonpublic school shall ensure that
40 each AED on the premises of the school entity or nonpublic
41 school is properly tested and maintained in accordance with the
42 manufacturer's operational guidelines. Each AED in a school
43 entity or nonpublic school shall meet the most recent minimum
44 specifications as required by the Department of Health.

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

48 "Athletic activity" means as defined in section 1425(h).

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

50 (1) An emergency medical responder.

51 (2) An emergency medical technician.

- 1 (3) An advanced emergency medical technician.
2 (4) A paramedic.
3 (5) A prehospital registered nurse.
4 (6) A prehospital physician extender.
5 (7) A prehospital emergency medical services physician.
6 (8) An individual prescribed by regulations of the
7 Department of Health to provide specialized emergency medical
8 services.

9 "Nonpublic school" means as defined in section 1423.2.

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

11 Section 6. School entities and nonpublic schools shall
12 comply, as applicable, with the addition of sections 1423.1 and
13 1423.3 of the act no later than five years after the effective
14 date of this section.

15 Section 7. This act shall take effect immediately.