AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for public hearing and vote on acquisition of automatic external defibrillators. IN SCHOOL HEALTH SERVICES, FURTHER PROVIDING FOR AUTOMATED EXTERNAL DEFIBRILLATORS.

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

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

Section 1423.1. Public Hearing and Vote On Acquisition of Automatic External Defibrillators.--(a) Public hearings shall be as follows:

(1) Subject to clauses (2) and (3), within ninety (90) days of the effective date of this section and every five years thereafter, the governing body of each school entity shall
convene a public hearing to consider whether the school entity will acquire an automatic external defibrillator for each school building of the school entity. Representatives of the American Heart Association or the American Red Cross shall be invited to participate in the public hearing.

(2) A school entity that has acquired an automatic external defibrillator for each school building of the school entity shall not be required to convene a public hearing under clause (1).

(3) A school entity that is established after the effective date of this section shall convene a public hearing under clause (1) within ninety (90) days after the first day classes are in session for the school entity and every five years thereafter, subject to clause (2).

(b) Within ninety (90) days of the public hearing convened pursuant to subsection (a), the governing body of each school entity shall approve or disapprove a resolution to acquire an automatic external defibrillator for each school building of the school entity by majority vote at a public meeting of the governing body.

(c) Section 1423(e), (d), (e) and (f) shall apply to any school entity that acquires an automatic external defibrillator.

(d) As used in this section, "Automatic external defibrillator" shall have the meaning set forth in section 1423(k).

"School entity" means an area vocational-technical school, a charter school, a cyber charter school, an intermediate unit or a school district.

Section 2. This act shall take effect immediately.

SECTION 1. SECTION 1423 OF THE ACT OF MARCH 10, 1949

(B) [THE] ON A BIENNIAL BASIS, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF HEALTH, SHALL ISSUE AN INVITATION TO BID FOR THE COST OF AUTOMATIC EXTERNAL DEFIBRILLATORS AND OTHER EQUIPMENT AND SUPPLIES NECESSARY FOR THE PROPER OPERATION OF THE DEVICE. THE DEPARTMENT SHALL ACCEPT THE BID OF THE LOWEST RESPONSIBLE BIDDER AND PERMIT ANY SCHOOL ENTITY OR NONPUBLIC SCHOOL TO PURCHASE THE DEVICES AT THE CONTRACT BID PRICE. THE DEPARTMENT MAY PURCHASE AUTOMATIC EXTERNAL DEFIBRILLATORS FROM ANY FUNDS APPROPRIATED PURSUANT TO SUBSECTION (K) FOR DISTRIBUTION TO SCHOOL ENTITIES AND NONPUBLIC SCHOOLS.

(C) TO BE ELIGIBLE TO OBTAIN OR PURCHASE AUTOMATIC EXTERNAL DEFIBRILLATORS UNDER THE PROGRAM A SCHOOL ENTITY OR NONPUBLIC 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 20130HB0974PN3276
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.

MAY ASSIST SCHOOL ENTITIES AND NONPUBLIC SCHOOLS THAT ARE NOT EQUIPPED WITH AUTOMATIC EXTERNAL DEFIBRILLATORS BY PROVIDING A DISCOUNT FROM THE CONTRACT BID PRICE OBTAINED UNDER SUBSECTION (B) OR BY PROVIDING AUTOMATIC EXTERNAL DEFIBRILLATORS OBTAINED UNDER SUBSECTION (B).

(G.1) THE PURCHASE OF AN AUTOMATIC EXTERNAL DEFIBRILLATOR SHALL BE CONSIDERED AN ALLOWABLE USE OF PENNSYLVANIA ACCOUNTABILITY GRANTS UNDER SECTION 2599.2(B).

(G.2) THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS
shall be considered an innovative educational program under 
article xvii-f of the act of march 4, 1971 (p.l.6, no.2), known 
as the "tax reform code of 1971."

(h) [no school entity shall be required to participate in 
the automatic external defibrillator program.] (reserved).

(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.] not later than june 30, 
2014, and each year thereafter, each school entity shall make a 
report to the department detailing the number, condition, age 
and placement of automatic external defibrillators in each 
school building. after the initial report is made, a school 
entity may report this information as part of the annual report 
required by the commonwealth under section 2505.1 to receive 
state reimbursement for health services.

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

(i.2) the department shall annually publish a report on its 
publicly accessible internet website no later than december 31, 
2014, and each year thereafter. the report shall contain the 
following information:

(1) the total number of automatic external defibrillators by 
school entity and nonpublic school.

(2) the number of school buildings by school entity and 
nonpublic school that are equipped with automatic external 
defibrillators.

(3) the number of school buildings by school entity and 
nonpublic school that need to be are not equipped with automatic
EXTERNAL DEFIBRILLATORS.

(J) THE DEPARTMENT MAY ADOPT GUIDELINES AS NECESSARY TO ADMINISTER THIS SECTION.

(K) THE GENERAL ASSEMBLY MAY APPROPRIATE FUNDS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(L) 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.

"DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION OF THE COMMONWEALTH.

"NONPUBLIC SCHOOL" MEANS A NONPROFIT SCHOOL, OTHER THAN A PUBLIC SCHOOL WITHIN THIS COMMONWEALTH, WHEREIN A RESIDENT OF THIS COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS OF THIS ACT AND WHICH MEETS THE APPLICABLE REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

"SCHOOL BUILDING" MEANS A BUILDING OWNED BY OR UNDER THE CONTROL OF A SCHOOL ENTITY OR NONPUBLIC SCHOOL WHERE CLASSES ARE TAUGHT OR EXTRACURRICULAR ACTIVITIES ARE CONDUCTED ON A REGULAR BASIS.

"SCHOOL ENTITY" MEANS AN AREA VOCATIONAL-TECHNICAL SCHOOL, A CHARTER SCHOOL, A CYBER CHARTER SCHOOL, AN INTERMEDIATE UNIT[, A NONPUBLIC SCHOOL] OR A SCHOOL DISTRICT.

"SECRETARY" MEANS THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.