

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1803 Session of
2009

INTRODUCED BY SIPTROTH, BELFANTI, BEYER, BRENNAN, CALTAGIRONE,
CREIGHTON, FREEMAN, GEIST, GIBBONS, GOODMAN, GRUCELA,
HARKINS, HORNAMAN, JOHNSON, KULA, MILNE, MURPHY, PEIFER,
READSHAW, SCAVELLO, SOLOBAY, J. TAYLOR, THOMAS AND
YOUNGBLOOD, JUNE 30, 2009

REFERRED TO COMMITTEE ON EDUCATION, JUNE 30, 2009

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," further providing for CPR
6 instruction; providing for procedures regarding response to
7 cardiac arrest, for donations for use related to CPR and
8 automated external defibrillator instruction, for donations
9 to school entities for use in CPR instruction and for a
10 cardiovascular screening pilot program; repealing provisions
11 relating to automated external defibrillation; and providing
12 for availability of automated external defibrillator.

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

15 Section 1. Section 1205.4 of the act of March 10, 1949
16 (P.L.30, No.14), known as the Public School Code of 1949, added
17 November 22, 2000 (P.L.672, No.91), is amended to read:

18 Section 1205.4. CPR and Use of Automated External
19 Defibrillator Instruction.--(a) School entities shall [be
20 required to offer a cardiopulmonary resuscitation training (CPR)
21 class] make available to district employes and volunteers

1 instruction in the principles and techniques of cardiopulmonary
2 resuscitation (CPR) and the use of an automated external
3 defibrillator (AED) on school premises at least once every three
4 years. The course shall be offered as an option to all employes
5 and volunteers of the school entity.

6 (b) Completion of training, including testing of skills and
7 knowledge, shall be documented by the signature and title of a
8 representative of the training entity and shall include the date
9 training was completed. Documentation shall be retained in the
10 facility in that employe's or volunteer's file. Training shall
11 be conducted by:

12 (1) the American Red Cross;

13 (2) the American Heart Association;

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

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

19 (c) School [districts] entities may include this training in
20 the continuing education plan submitted by the district to the
21 Department of Education under section 1205.1.

22 (c.1) Each teacher, administrator, school nurse, assistant
23 school nurse, athletic coach or sponsor, marching band director,
24 athletic trainer, cheerleading coach and any other school
25 employe specified by the Secretary of Education and each student
26 who serves as an athletic trainer must participate in the
27 instruction in the use of an automated external defibrillator. A
28 person described in this subsection must receive and maintain
29 certification in the use of an automated external defibrillator
30 from the American Heart Association, the American Red Cross or a

1 similar nationally recognized association.

2 (c.2) A nonpublic or private school that receives an AED
3 from the Department of Education or receives funding from a
4 certifying agency to purchase or lease an AED under section
5 1205.6 shall adopt a policy under which the school makes
6 available to school employes and volunteers instruction in the
7 principles and techniques of cardiopulmonary resuscitation and
8 the use of an AED. The policy must comply with the requirements
9 prescribed by this section and rules adopted by the department.

10 (d) For purposes of this section, a school entity shall be
11 defined as a local school district, intermediate unit, [or] area
12 vocational-technical school or charter school.

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

14 Section 1205.6. Procedures Regarding Response to Cardiac
15 Arrest.--(a) Each school entity, nonpublic and private school
16 shall develop safety procedures to follow in responding to a
17 medical emergency involving cardiac arrest, including the
18 appropriate response time in administering cardiopulmonary
19 resuscitation, using an automated external defibrillator (AED)
20 or calling a local emergency medical services provider.

21 (b) A nonpublic or private school that receives an AED from
22 the Department of Education or receives funding from the
23 department to purchase or lease an AED shall comply with this
24 section.

25 Section 1205.7. Donations for Use Related to CPR and
26 Automated External Defibrillator Instruction.--(a) The
27 Department of Education may accept donations, including
28 donations of equipment, for use in providing cardiopulmonary
29 resuscitation (CPR) and automated external defibrillator (AED)
30 instruction to students, school employes and volunteers. The

1 department:

2 (1) shall distribute the donations to school entities for
3 the purpose of CPR and AED instruction under sections 1205.4 and
4 1205.8; and

5 (2) may use a portion of the donations to the extent
6 necessary to pay administrative expenses related to the
7 donations.

8 (b) A school entity may accept from the Department of
9 Education donations the department receives under subsection (a)
10 for use in providing instruction to students in the principles
11 and techniques of CPR and operating an AED. A school entity may
12 accept other donations, including donations of equipment, for
13 use in providing the instruction.

14 (c) To the extent that resources are available to a school
15 entity under this section, the school entity shall provide
16 instruction to students in the principles and techniques of CPR
17 and operating an AED.

18 (d) A school entity may use resources other than those made
19 available under this section to provide instruction to students
20 in the principles and techniques of CPR and operating an AED.

21 (e) The Department of Education may adopt rules as necessary
22 to implement this section.

23 Section 1402.1. Cardiovascular Screening Pilot Program.--(a)
24 There is hereby established a pilot program under which sixth
25 grade students at participating school entities are administered
26 a cardiovascular screening, including an electrocardiogram and
27 an echocardiogram.

28 (b) The Secretary of Education shall select school entities
29 to participate in the pilot program. In selecting school
30 entities, the secretary shall ensure that the cardiovascular

1 screening is administered to an ethnically diverse range of
2 students.

3 (c) The Department of Education may accept grants and
4 donations for use in administering the pilot program.

5 (d) Participating school entities shall:

6 (1) provide the results of a student's cardiovascular
7 screening to the student's parent or guardian; and

8 (2) provide a summary of the results of the cardiovascular
9 screenings to the department in a manner that does not identify
10 specific students. Not later than June 30, 2010, the department
11 shall prepare and deliver to the General Assembly a report
12 summarizing the results of the cardiovascular screenings. This
13 subsection expires January 31, 2010.

14 (e) The Department of Education may adopt rules necessary to
15 administer this section.

16 Section 3. Section 1423 of the act, added May 17, 2001
17 (P.L.4, No.4), is repealed:

18 [Section 1423. Automatic External Defibrillators.--(a) For
19 the fiscal year 2001-2002, the department shall establish a one-
20 time automatic external defibrillator program to assist school
21 entities in acquiring automatic external defibrillators.

22 (b) The department, in consultation with the Department of
23 General Services, shall issue an invitation to bid for the cost
24 of automatic external defibrillators. The department shall
25 accept the bid of the lowest responsible bidder and permit any
26 school entity to purchase the devices at the contract bid price.

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

29 (1) Assure that two (2) or more persons assigned to the
30 location where the automatic external defibrillator will be

1 primarily housed are trained as required in subsection (d).

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

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

8 (4) Agree to provide the training required by subsection
9 (d).

10 (d) School personnel who are expected to use the automatic
11 external defibrillator shall complete training in
12 cardiopulmonary resuscitation and in the use of an automatic
13 external defibrillator provided by the American Heart
14 Association, the American Red Cross or through an equivalent
15 course of instruction approved by the Department of Health.

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

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

23 (g) From funds appropriated for this purpose, the
24 department, upon request, shall provide: up to two (2) automatic
25 external defibrillators to each school district; one (1)
26 automatic external defibrillator to each intermediate unit; and
27 one (1) automatic external defibrillator to each area
28 vocational-technical school.

29 (h) No school entity shall be required to participate in the
30 automatic external defibrillator program.

1 (i) No later than June 30, 2002, the secretary shall submit
2 a report to the General Assembly describing the effectiveness of
3 this section in outfitting the Commonwealth's school entities
4 with automatic external defibrillators.

5 (j) The department may adopt guidelines as necessary to
6 administer this section.

7 (k) As used in this section--

8 "Automatic external defibrillator" means a portable device
9 that uses electric shock to restore a stable heart rhythm to an
10 individual in cardiac arrest.

11 "Department" means the Department of Education of the
12 Commonwealth.

13 "School entity" means an area vocational-technical school, a
14 charter school, an intermediate unit, a nonpublic school or a
15 school district.

16 "Secretary" means the Secretary of Education of the
17 Commonwealth.]

18 Section 4. The act is amended by adding a section to read:

19 Section 1423.1. Availability and Specifications of Automated
20 External Defibrillators.--(a) Every school entity, nonpublic
21 and private school shall have at least one automated external
22 defibrillator (AED) in each occupied building on the school's
23 premises or campus at all times. The board of school directors
24 shall adopt a policy regarding the placement and use of AEDs and
25 the number of personnel who must receive training as required by
26 section 1205.4.

27 (b) Whenever school entities' facilities are used for
28 school-sponsored or school-approved interscholastic athletics,
29 and whenever such events or athletics are held at any location,
30 the school entity whose facilities are being used shall, in

1 cooperation with the Pennsylvania Interscholastic Athletic
2 Agency (PIAA), make available an AED and at least one school
3 employee who is trained pursuant to section 1205.4 at each
4 interscholastic athletic contest or competition. The presence of
5 emergency services personnel shall fulfill the requirement.

6 (c) This section does not:

7 (1) waive any liability or immunity of a school entity or
8 its officers or employees; or

9 (2) create any liability for or a cause of action against a
10 school entity or its officers or employees.

11 (d) The provisions of 42 Pa.C.S. § 8331.2 (relating to good
12 Samaritan civil immunity for use of automated external
13 defibrillator) shall apply to school employees who render care
14 with an AED.

15 (e) Every school entity, nonpublic and private school shall
16 ensure that every AED on the school's premises or campus is
17 properly tested and maintained in accordance with the
18 manufacturer's operational guidelines. Every AED in a school
19 entity, nonpublic school or private school shall meet the most
20 recent minimum specifications as required by the Department of
21 Health.

22 Section 5. School entities, nonpublic schools and private
23 schools shall comply with the amendment to section 1205.4 and
24 the addition of sections 1205.6 and 1423.1 of the act no later
25 than three years after the effective date of this act.

26 Section 6. This act shall take effect in 60 days.