

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 224 Session of 2017

INTRODUCED BY SIMMONS, NEILSON, BOBACK, JAMES, DAVIS, DRISCOLL, BAKER, DEAN, MACKENZIE, MILLARD, WATSON, ROZZI, V. BROWN, IRVIN, D. COSTA, A. HARRIS, ROEBUCK, MOUL, ZIMMERMAN, SANKEY, CONKLIN, GABLER, BENNINGHOFF, SACCONI, DAY, CHRISTIANA, GILLEN, MCGINNIS, M. QUINN, FREEMAN, STEPHENS, SAYLOR, CUTLER, REED, PETRI, LEWIS, TOOHL, KAUFER, J. HARRIS, TOEPEL, EVANKOVICH, DAVIDSON, KORTZ, HEFFLEY, BARBIN AND MICCARELLI, JANUARY 31, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 8, 2017

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 administration of epinephrine auto-injectors by school
7 bus drivers AND SCHOOL CROSSING GUARDS. <--

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

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

13 Section 1414.9. Administration of Epinephrine Auto-injectors
14 by School Bus Drivers AND SCHOOL CROSSING GUARDS.--The <--
15 provisions of 42 Pa.C.S. §§ 8332 (relating to emergency response
16 provider and bystander good Samaritan civil immunity) and 8337.1
17 (relating to civil immunity of school officers or employees

1 relating to emergency care, first aid and rescue) shall apply to
2 a school bus driver AND A SCHOOL CROSSING GUARD when all of the <--
3 following apply:

4 (1) The school bus driver OR SCHOOL CROSSING GUARD <--
5 administers an epinephrine auto-injector to a student in a
6 manner consistent with the policies established by all of the
7 following:

8 (i) the independent contractor that employs the school bus
9 driver OR SCHOOL CROSSING GUARD, if the school bus driver OR <--
10 SCHOOL CROSSING GUARD is employed by an independent contractor;

11 (ii) the school entity that has contracted with the
12 independent contractor, if the school bus driver OR SCHOOL <--
13 CROSSING GUARD is employed by an independent contractor; and

14 (iii) the school entity that employs the school bus driver
15 OR SCHOOL CROSSING GUARD, if the school bus driver OR SCHOOL <--
16 CROSSING GUARD is employed by a school entity.

17 (2) The school bus driver OR SCHOOL CROSSING GUARD has <--
18 successfully completed a training program that shall be
19 developed and implemented by the Department of Health. The
20 Department of Health shall have ninety (90) days from the
21 effective date of this section to develop and implement such a
22 training program.

23 Section 2. This act shall take effect in 60 days.