

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 996 Session of  
2001

INTRODUCED BY LEWIS, ALLEN, M. BAKER, BELARDI, BROWNE, BUNT,  
CALTAGIRONE, L. I. COHEN, M. COHEN, COLAFELLA, COLEMAN,  
DALEY, DALLY, DeLUCA, FLICK, FRANKEL, GEIST, GEORGE, GRUCELA,  
HALUSKA, HENNESSEY, HERMAN, KAISER, LAUGHLIN, MACKERETH,  
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MYERS, PIPPY, PISTELLA, RAYMOND, RUBLEY, SAINATO, SAYLOR,  
SCHRODER, SCRIMENTI, SEMMEL, SHANER, SOLOBAY, STAIRS,  
E. Z. TAYLOR, J. TAYLOR, TRELLO, WANSACZ AND YOUNGBLOOD,  
MARCH 14, 2001

REFERRED TO COMMITTEE ON EDUCATION, MARCH 14, 2001

AN ACT

1 Authorizing payments to certain entities for the purchase of  
2 automatic external defibrillators; providing for powers and  
3 duties of the Department of Education; requiring certain  
4 training; providing for civil immunity for certain users of  
5 automated external defibrillators; and making an  
6 appropriation.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the School  
11 Automatic External Defibrillator Access Act.

12 Section 2. Declaration of policy.

13 The General Assembly finds and declares as follows:

14 (1) A number of school-age students and adults in this  
15 Commonwealth have been tragically stricken with sudden  
16 cardiac arrest while in school or participating in school-

1 sponsored activities.

2 (2) In recent years, the use of automated external  
3 defibrillators has been proven to strengthen the chain of  
4 survival for cardiac arrest victims.

5 (3) It is important for the Commonwealth to ensure that  
6 school buildings are equipped with automatic external  
7 defibrillators and staffed with personnel trained to use the  
8 devices.

9 Section 3. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Automated external defibrillator." A portable device that  
14 uses electric shock to restore a stable heart rhythm to an  
15 individual in cardiac arrest.

16 "Department." The Department of Education of the  
17 Commonwealth.

18 "School entity." An area vocational-technical school, a  
19 charter school, an intermediate unit or a school district.

20 "Secretary." The Secretary of Education of the Commonwealth.

21 Section 4. Automatic external defibrillator wholesale purchase  
22 program.

23 (a) Establishment.--The department shall establish an  
24 automatic external defibrillator wholesale purchase program to  
25 help ensure that school entities have automatic external  
26 defibrillators available for use in school buildings where  
27 classes or school-sponsored activities routinely occur. Under  
28 the program, the department shall pay to a school entity an  
29 amount not less than 50% of the school entity's cost to purchase  
30 one automatic external defibrillator per building.

1 (b) Statewide contract.--The department shall issue an  
2 invitation to bid for the cost of automatic external  
3 defibrillators and shall enter into a contract with the  
4 successful bidder that permits any school entity to receive the  
5 contract price for the devices from the successful bidder.

6 (c) Eligibility for program.--To be eligible for payment  
7 under the program a school entity must:

8 (1) Employ three or more persons who are assigned to the  
9 respective building where the automatic external  
10 defibrillator will be primarily housed and who are trained to  
11 use the device.

12 (2) Ensure that the device will be secured in a safe and  
13 readily accessible location within the school building with  
14 the appropriate supplies and agree to properly maintain and  
15 inspect the device as recommended by the department in  
16 consultation with the American Heart Association and the  
17 Department of Health.

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

20 (4) Purchase the device through the Statewide contract  
21 authorized under subsection (b).

22 (5) Agree to provide the training required by section 5.  
23 Section 5. Training.

24 (a) General rule.--School entity personnel who are expected  
25 to use automated external defibrillators shall complete training  
26 in the use of an automated external defibrillator provided by  
27 the American Heart Association or through an equivalent course  
28 of instruction approved by the Department of Health in  
29 consultation with a technical committee of the Pennsylvania  
30 Emergency Health Services Council.

(b) Part of continuing education plan.--A school entity may include the training in its continuing education plan submitted to the department under section 1205.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Section 6. Nonpublic schools.

To the extent that funds are available beginning February 1, 2002, from the appropriation made under section 9, the department shall establish a program to furnish automatic external defibrillators to nonpublic schools through the Commonwealth's intermediate units. To be eligible to receive an automatic external defibrillator from an intermediate unit, a nonpublic school must:

(1) Employ three or more persons who are assigned to the respective building where the automatic external defibrillator will be primarily housed and who are trained to use the device.

(2) Ensure that the device will be secured in a safe and readily accessible location within the school building with the appropriate supplies and agree to properly maintain and inspect the device as recommended by the department in consultation with the American Heart Association and the Department of Health of this Commonwealth.

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

(4) Agree to provide the training required by section 5. Section 7. Civil immunity for users of automated external defibrillators.

The provisions of 42 Pa.C.S. § 8331.2 (relating to Good Samaritan civil immunity for use of automatic external defibrillator) shall apply to all school employees who have

1 received training as required under section 5 and who render  
2 care with an automated external defibrillator while in the scope  
3 of their employment.

4 Section 8. Report.

5 No later than June 30, 2002, the secretary shall submit a  
6 report to the General Assembly describing the effectiveness of  
7 the act in outfitting the Commonwealth's schools with automatic  
8 external defibrillators.

9 Section 9. Regulations.

10 The department may promulgate regulations as necessary to  
11 administer this act.

12 Section 10. Appropriation.

13 The sum of \$6,300,000, or as much thereof as may be  
14 necessary, is hereby appropriated to the Department of Education  
15 for the fiscal year July 1, 2001, to June 30, 2002, for the  
16 administration of this act.

17 Section 11. Effective date.

18 This act shall take effect on July 1, 2001, or immediately,  
19 whichever is later.