

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,
MANN, MARSICO, McILHATTAN, McNAUGHTON, MELIO, R. MILLER,
MYERS, PIPPY, PISTELLA, RAYMOND, RUBLEY, SAINATO, SAYLOR,
SCHRODER, SCRIMENTI, SEMMEL, SHANER, SOLOBAY, STAIRS,
E. Z. TAYLOR, J. TAYLOR, TRELLO, WANSACZ, YOUNGBLOOD,
STEELMAN, BASTIAN AND THOMAS, MARCH 14, 2001

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 21, 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-

sponsored activities.

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

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

Section 3. Definitions.

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

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

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

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

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

Section 4. Automatic external defibrillator wholesale purchase program.

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

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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 AUTOMATIC EXTERNAL DEFIBRILLATOR WHOLESALE PURCHASE
8 program a school entity must:

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

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

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

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

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

24 (D) VOLUNTARY NATURE OF PROGRAM.--NO SCHOOL ENTITY SHALL BE
25 REQUIRED TO PARTICIPATE IN THE AUTOMATIC EXTERNAL DEFIBRILLATOR
26 WHOLESALE PURCHASE PROGRAM.

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27 Section 5. Training.

28 (a) General rule.--~~School entity~~ ALL SCHOOL personnel who
29 are expected to use automated external defibrillators shall
30 complete training in the use of an automated external

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1 defibrillator provided by the American Heart Association or
2 through an equivalent course of instruction approved by the
3 Department of Health in consultation with a technical committee
4 of the Pennsylvania Emergency Health Services Council.

5 (b) Part of continuing education plan.--A school entity may
6 include the training in its continuing education plan submitted
7 to the department under section 1205.1 of the act of March 10,
8 1949 (P.L.30, No.14), known as the Public School Code of 1949.
9 Section 6. Nonpublic schools.

10 (A) ESTABLISHMENT.--To the extent that funds are available <—
11 beginning February 1, 2002, from the appropriation made under
12 section 9 10, the department shall establish a program to <—
13 furnish automatic external defibrillators to nonpublic schools
14 through the ~~Commonwealth's intermediate units. To be eligible to~~ <—
15 ~~receive an~~ COMMONWEALTH'S INTERMEDIATE UNITS. <—

16 (B) ELIGIBILITY FOR PROGRAM.--TO BE ELIGIBLE TO RECEIVE AN
17 automatic external defibrillator from an intermediate unit, a
18 nonpublic school must:

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

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

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

1 (4) Agree to provide the training required by section 5.

2 (C) VOLUNTARY NATURE OF PROGRAM.--NO NONPUBLIC SCHOOL SHALL <—
3 BE REQUIRED TO PARTICIPATE IN THE AUTOMATIC EXTERNAL
4 DEFIBRILLATOR WHOLESALE PURCHASE PROGRAM.

5 Section 7. Civil immunity for users of automated external
6 defibrillators.

7 The provisions of 42 Pa.C.S. § 8331.2 (relating to Good
8 Samaritan civil immunity for use of automatic external
9 defibrillator) shall apply to all school employees who have
10 received training as required under section 5 and who render
11 care with an automated external defibrillator while in the scope
12 of their employment.

13 Section 8. Report.

14 No later than June 30, 2002, the secretary shall submit a
15 report to the General Assembly describing the effectiveness of
16 the act in outfitting the Commonwealth's schools with automatic
17 external defibrillators.

18 Section 9. Regulations.

19 The department may promulgate regulations as necessary to
20 administer this act.

21 Section 10. Appropriation.

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

26 Section 11. Effective date.

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