

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, YOUNGBLOOD, GERBER, BRADFORD, HELM, BRIGGS, FARRY, TURZAI AND MATZIE, JUNE 30, 2009

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 16, 2010

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, AND for
9 donations to school entities for use in CPR instruction and
10 for a cardiovascular screening pilot program; repealing
11 provisions relating to automated external defibrillation; and
12 providing for availability of automated external
13 defibrillator.



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

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

19 Section 1205.4. CPR and Use of Automated External
20 Defibrillator Instruction.--(a) School entities shall [be
21 required to offer a cardiopulmonary resuscitation training (CPR)

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

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

- 13 (1) the American Red Cross;
- 14 (2) the American Heart Association;
- 15 (3) an individual certified to conduct CPR training by the  
16 American Red Cross, American Heart Association or other  
17 certifying agency approved by the Department of Health; or
- 18 (4) other certifying agency approved by the Department of  
19 Health.

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

23 (c.1) ~~Each teacher, administrator,~~ (1) SCHOOL ENTITIES ←  
24 SHALL ASSURE THAT EACH AUTOMATED DEFIBRILLATOR LOCATION HAS AT  
25 LEAST FIVE (5) PERSONS TRAINED AND CERTIFIED IN THE USE OF AN  
26 AUTOMATED EXTERNAL DEFIBRILLATOR. EACH school nurse, assistant  
27 school nurse, athletic coach or sponsor, marching band director,  
28 PHYSICAL EDUCATION TEACHER, athletic trainer, ATHLETIC TRAINING ←  
29 STUDENT AIDE, cheerleading coach and any other school employe  
30 specified by the Secretary of Education and each student who ←

1 serves as an athletic trainer must participate in the  
2 instruction in the use of an automated external defibrillator. A  
3 person described in this subsection must receive and maintain  
4 certification in the use of an automated external defibrillator  
5 from the American Heart Association, the American Red Cross or a ←  
6 similar nationally recognized association.: ←

7 (I) THE AMERICAN RED CROSS;

8 (II) THE AMERICAN HEART ASSOCIATION;

9 (III) AN INDIVIDUAL CERTIFIED TO CONDUCT AUTOMATED EXTERNAL  
10 DEFIBRILLATOR TRAINING BY THE AMERICAN RED CROSS, AMERICAN HEART  
11 ASSOCIATION OR OTHER CERTIFYING AGENCY APPROVED BY THE  
12 DEPARTMENT OF HEALTH; OR

13 (IV) OTHER CERTIFYING AGENCY APPROVED BY THE DEPARTMENT OF  
14 HEALTH.

15 (2) A SCHOOL ENTITY SHALL ASSURE THAT AT A MINIMUM ONE (1)  
16 PERSON TRAINED AND CERTIFIED IN THE USE OF AN AUTOMATIC EXTERNAL  
17 DEFIBRILLATOR IS IN THE IMMEDIATE VICINITY OF THE LOCATION OF  
18 THE AUTOMATIC EXTERNAL DEFIBRILLATOR DURING SCHOOL HOURS.

19 (c.2) A nonpublic or private school that receives an AED  
20 from the Department of Education or receives funding from a  
21 certifying agency to purchase or lease an AED under section  
22 1205.6 shall adopt a policy under which the school makes  
23 available to school employes and volunteers instruction in the  
24 principles and techniques of cardiopulmonary resuscitation and  
25 the use of an AED. The policy must comply with the requirements  
26 prescribed by this section and rules adopted by the department.

27 (d) For purposes of this section, a school entity shall be  
28 defined as a local school district, intermediate unit, [or] area  
29 vocational-technical school ~~or~~, charter school OR CYBER CHARTER ←  
30 SCHOOL.

1 Section 2. The act is amended by adding sections to read:  
2 Section 1205.6. Procedures Regarding Response to Cardiac  
3 Arrest.--(a) Each school entity, nonpublic and private school  
4 shall develop safety procedures to follow in responding to a  
5 medical emergency involving cardiac arrest, including the  
6 appropriate response time in administering cardiopulmonary  
7 resuscitation, using an automated external defibrillator (AED)  
8 or calling a local emergency medical services provider.

9 (b) A nonpublic or private school that receives an AED from  
10 the Department of Education or receives funding from the  
11 department to purchase or lease an AED shall comply with this  
12 section.

13 Section 1205.7. Donations for Use Related to CPR and  
14 Automated External Defibrillator Instruction.--(a) The  
15 Department of Education may accept donations, including  
16 donations of equipment, for use in providing cardiopulmonary  
17 resuscitation (CPR) and automated external defibrillator (AED)  
18 instruction to students, school employes and volunteers. The  
19 department:

20 (1) shall distribute the donations to school entities for  
21 the purpose of CPR and AED instruction under ~~sections~~ SECTION ←  
22 1205.4 and ~~1205.8~~; and ←

23 (2) may use a portion of the donations to the extent  
24 necessary to pay administrative expenses related to the  
25 donations.

26 (b) A school entity may accept from the Department of  
27 Education donations the department receives under subsection (a)  
28 for use in providing instruction to students in the principles  
29 and techniques of CPR and operating an AED. A school entity may  
30 accept other donations, including donations of equipment, for

1 use in providing the instruction.

2 (c) To the extent that resources are available to a school  
3 entity under this section, the school entity shall provide MAKE ←  
4 AVAILABLE instruction to students in the principles and  
5 techniques of CPR and operating an AED.

6 (d) A school entity may use resources other than those made  
7 available under this section to provide MAKE AVAILABLE ←  
8 instruction to students in the principles and techniques of CPR  
9 and operating an AED.

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

12 ~~Section 1402.1. Cardiovascular Screening Pilot Program. (a)~~ ←  
13 ~~There is hereby established a pilot program under which sixth~~  
14 ~~grade students at participating school entities are administered~~  
15 ~~a cardiovascular screening, including an electrocardiogram and~~  
16 ~~an echocardiogram.~~

17 ~~(b) The Secretary of Education shall select school entities~~  
18 ~~to participate in the pilot program. In selecting school~~  
19 ~~entities, the secretary shall ensure that the cardiovascular~~  
20 ~~screening is administered to an ethnically diverse range of~~  
21 ~~students.~~

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

24 ~~(d) Participating school entities shall:~~

25 ~~(1) provide the results of a student's cardiovascular~~  
26 ~~screening to the student's parent or guardian; and~~

27 ~~(2) provide a summary of the results of the cardiovascular~~  
28 ~~screenings to the department in a manner that does not identify~~  
29 ~~specific students. Not later than June 30, 2010, the department~~  
30 ~~shall prepare and deliver to the General Assembly a report~~

1 ~~summarizing the results of the cardiovascular screenings. This~~  
2 ~~subsection expires January 31, 2010.~~

3 ~~(c) The Department of Education may adopt rules necessary to~~  
4 ~~administer this section.~~

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

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

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

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

18 (1) Assure that two (2) or more persons assigned to the  
19 location where the automatic external defibrillator will be  
20 primarily housed are trained as required in subsection (d).

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

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

27 (4) Agree to provide the training required by subsection  
28 (d).

29 (d) School personnel who are expected to use the automatic  
30 external defibrillator shall complete training in

1 cardiopulmonary resuscitation and in the use of an automatic  
2 external defibrillator provided by the American Heart  
3 Association, the American Red Cross or through an equivalent  
4 course of instruction approved by the Department of Health.

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

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

12 (g) From funds appropriated for this purpose, the  
13 department, upon request, shall provide: up to two (2) automatic  
14 external defibrillators to each school district; one (1)  
15 automatic external defibrillator to each intermediate unit; and  
16 one (1) automatic external defibrillator to each area  
17 vocational-technical school.

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

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

24 (j) The department may adopt guidelines as necessary to  
25 administer this section.

26 (k) As used in this section--

27 "Automatic external defibrillator" means a portable device  
28 that uses electric shock to restore a stable heart rhythm to an  
29 individual in cardiac arrest.

30 "Department" means the Department of Education of the

1 Commonwealth.

2 "School entity" means an area vocational-technical school, a  
3 charter school, an intermediate unit, a nonpublic school or a  
4 school district.

5 "Secretary" means the Secretary of Education of the  
6 Commonwealth.]

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

8 Section 1423.1. Availability and Specifications of Automated  
9 External Defibrillators.--(a) Every school entity, nonpublic  
10 and private school shall have at least one automated external  
11 defibrillator (AED) in each occupied building on the school's  
12 premises or campus at all times. The board of school directors  
13 shall adopt a policy regarding the placement and use of AEDs and  
14 the number of personnel who must receive training as required by  
15 section 1205.4.

16 ~~(b) Whenever school entities' facilities are used for~~ ←  
17 ~~school sponsored or school approved interscholastic athletics,~~  
18 ~~and whenever such events or athletics are held at any location,~~  
19 ~~the school entity whose facilities are being used shall, in~~

20 (B) WHENEVER A SCHOOL ENTITY USES ITS FACILITY FOR ITS OWN ←  
21 SCHOOL-SPONSORED OR SCHOOL-APPROVED INTERSCHOLASTIC ATHLETICS,  
22 THE SCHOOL ENTITY SHALL, IN cooperation with the Pennsylvania  
23 Interscholastic Athletic Agency ASSOCIATION (PIAA), make ←  
24 available an AED and at least one school employe who is trained  
25 AND CERTIFIED pursuant to section 1205.4 at each interscholastic ←  
26 athletic contest or competition. The presence of emergency  
27 services personnel shall fulfill the requirement.

28 (c) This section does not:

29 (1) waive any liability or immunity of a school entity or  
30 its officers or employes; or

1 (2) create any liability for or a cause of action against a  
2 school entity or its officers or employes.

3 (d) The provisions of 42 Pa.C.S. § 8331.2 (relating to good  
4 Samaritan civil immunity for use of automated external  
5 defibrillator) shall apply to school employes who render care  
6 with an AED.

7 (e) Every school entity, nonpublic and private school shall  
8 ensure that every AED on the school's premises or campus is  
9 properly tested and maintained in accordance with the  
10 manufacturer's operational guidelines. Every AED in a school  
11 entity, nonpublic school or private school shall meet the most  
12 recent minimum specifications as required by the Department of  
13 Health.

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

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