
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 974 Session of
2013

INTRODUCED BY R. BROWN, KORTZ, GILLEN, BIZZARRO, SCAVELLO,
REGAN, NEILSON, CARROLL, PEIFER, ENGLISH AND DAY,
MARCH 12, 2013

SENATOR FOLMER, EDUCATION, IN SENATE, AS AMENDED, MARCH 18, 2014

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," ~~providing for public hearing and vote <--~~
6 ~~on acquisition of automatic external defibrillators. IN <--~~
7 SCHOOL HEALTH SERVICES, FURTHER PROVIDING FOR AUTOMATED
8 EXTERNAL DEFIBRILLATORS.

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

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

14 ~~Section 1423.1. Public Hearing and Vote On Acquisition of~~
15 ~~Automatic External Defibrillators. (a) Public hearings shall~~
16 ~~be as follows:~~

17 ~~(1) Subject to clauses (2) and (3), within ninety (90) days~~
18 ~~of the effective date of this section and every five years~~
19 ~~thereafter, the governing body of each school entity shall~~
20 ~~convene a public hearing to consider whether the school entity~~

1 ~~will acquire an automatic external defibrillator for each school~~
2 ~~building of the school entity. Representatives of the American~~
3 ~~Heart Association or the American Red Cross shall be invited to~~
4 ~~participate in the public hearing.~~

5 ~~(2) A school entity that has acquired an automatic external~~
6 ~~defibrillator for each school building of the school entity~~
7 ~~shall not be required to convene a public hearing under clause~~
8 ~~(1).~~

9 ~~(3) A school entity that is established after the effective~~
10 ~~date of this section shall convene a public hearing under clause~~
11 ~~(1) within ninety (90) days after the first day classes are in~~
12 ~~session for the school entity and every five years thereafter,~~
13 ~~subject to clause (2).~~

14 ~~(b) Within ninety (90) days of the public hearing convened~~
15 ~~pursuant to subsection (a), the governing body of each school~~
16 ~~entity shall approve or disapprove a resolution to acquire an~~
17 ~~automatic external defibrillator for each school building of the~~
18 ~~school entity by majority vote at a public meeting of the~~
19 ~~governing body.~~

20 ~~(c) Section 1423(c), (d), (e) and (f) shall apply to any~~
21 ~~school entity that acquires an automatic external defibrillator.~~

22 ~~(d) As used in this section~~

23 ~~"Automatic external defibrillator" shall have the meaning set~~
24 ~~forth in section 1423(k).~~

25 ~~"School entity" means an area vocational technical school, a~~
26 ~~charter school, a cyber charter school, an intermediate unit or~~
27 ~~a school district.~~

28 ~~Section 2. This act shall take effect immediately.~~

29 SECTION 1. SECTION 1423 OF THE ACT OF MARCH 10, 1949
30 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED

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1 MAY 17, 2001 (P.L.4, NO.4), IS AMENDED TO READ:

2 SECTION 1423. AUTOMATIC EXTERNAL DEFIBRILLATORS.-- (A) [FOR
3 THE FISCAL YEAR 2001-2002, THE] THE DEPARTMENT SHALL ESTABLISH
4 [A ONE-TIME] AN AUTOMATIC EXTERNAL DEFIBRILLATOR PROGRAM TO
5 ASSIST SCHOOL ENTITIES AND NONPUBLIC SCHOOLS IN [ACQUIRING]
6 MAKING AUTOMATIC EXTERNAL DEFIBRILLATORS AVAILABLE IN SCHOOL
7 BUILDINGS.

8 (B) [THE] ON A BIENNIAL BASIS, THE DEPARTMENT, IN
9 CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES AND THE
10 DEPARTMENT OF HEALTH, SHALL ISSUE AN INVITATION TO BID FOR THE
11 COST OF AUTOMATIC EXTERNAL DEFIBRILLATORS AND OTHER EQUIPMENT
12 AND SUPPLIES NECESSARY FOR THE PROPER OPERATION OF THE DEVICE.
13 THE DEPARTMENT SHALL ACCEPT THE BID OF THE LOWEST RESPONSIBLE
14 BIDDER AND PERMIT ANY SCHOOL ENTITY OR NONPUBLIC SCHOOL TO
15 PURCHASE THE DEVICES AT THE CONTRACT BID PRICE. THE DEPARTMENT
16 MAY PURCHASE AUTOMATIC EXTERNAL DEFIBRILLATORS FROM ANY FUNDS
17 APPROPRIATED PURSUANT TO SUBSECTION (K) FOR DISTRIBUTION TO
18 SCHOOL ENTITIES AND NONPUBLIC SCHOOLS.

19 (C) TO BE ELIGIBLE TO OBTAIN OR PURCHASE AUTOMATIC EXTERNAL
20 DEFIBRILLATORS UNDER THE PROGRAM A SCHOOL ENTITY OR NONPUBLIC
21 SCHOOL MUST:

22 (1) ASSURE THAT TWO (2) OR MORE PERSONS ASSIGNED TO THE
23 LOCATION WHERE THE AUTOMATIC EXTERNAL DEFIBRILLATOR WILL BE
24 PRIMARILY HOUSED ARE TRAINED AS REQUIRED IN SUBSECTION (D).

25 (2) ENSURE THAT THE DEVICE WILL BE SECURED IN A SAFE AND
26 READILY ACCESSIBLE LOCATION AND AGREE TO PROPERLY MAINTAIN AND
27 TEST THE DEVICE ACCORDING TO THE MANUFACTURER'S OPERATIONAL
28 GUIDELINES.

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 SUBSECTION
2 (D) .

3 (D) SCHOOL PERSONNEL WHO ARE EXPECTED TO USE THE AUTOMATIC
4 EXTERNAL DEFIBRILLATOR SHALL COMPLETE TRAINING IN
5 CARDIOPULMONARY RESUSCITATION AND IN THE USE OF AN AUTOMATIC
6 EXTERNAL DEFIBRILLATOR PROVIDED BY THE AMERICAN HEART
7 ASSOCIATION, THE AMERICAN RED CROSS OR THROUGH AN EQUIVALENT
8 COURSE OF INSTRUCTION APPROVED BY THE DEPARTMENT OF HEALTH.

9 (E) A SCHOOL ENTITY MAY INCLUDE THE TRAINING REQUIRED BY
10 SUBSECTION (D) IN ITS CONTINUING PROFESSIONAL EDUCATION PLAN
11 SUBMITTED TO THE DEPARTMENT UNDER SECTION 1205.1.

12 (F) THE PROVISIONS OF 42 PA.C.S. § 8331.2 (RELATING TO GOOD
13 SAMARITAN CIVIL IMMUNITY FOR USE OF AUTOMATED EXTERNAL
14 DEFIBRILLATOR) SHALL APPLY TO SCHOOL EMPLOYEES WHO RENDER CARE
15 WITH AN AUTOMATIC EXTERNAL DEFIBRILLATOR.

16 (G) FROM FUNDS APPROPRIATED FOR THIS PURPOSE, THE
17 DEPARTMENT[, UPON REQUEST, SHALL PROVIDE: UP TO TWO (2)
18 AUTOMATIC EXTERNAL DEFIBRILLATORS TO EACH SCHOOL DISTRICT; ONE
19 (1) AUTOMATIC EXTERNAL DEFIBRILLATOR TO EACH INTERMEDIATE UNIT;
20 AND ONE (1) AUTOMATIC EXTERNAL DEFIBRILLATOR TO EACH AREA
21 VOCATIONAL-TECHNICAL SCHOOL.] MAY ASSIST SCHOOL ENTITIES AND
22 NONPUBLIC SCHOOLS THAT ARE NOT EQUIPPED WITH AUTOMATIC EXTERNAL
23 DEFIBRILLATORS BY PROVIDING A DISCOUNT FROM THE CONTRACT BID
24 PRICE OBTAINED UNDER SUBSECTION (B) OR BY PROVIDING AUTOMATIC
25 EXTERNAL DEFIBRILLATORS OBTAINED UNDER SUBSECTION (B).

26 (G.1) THE PURCHASE OF AN AUTOMATIC EXTERNAL DEFIBRILLATOR
27 SHALL BE CONSIDERED AN ALLOWABLE USE OF PENNSYLVANIA
28 ACCOUNTABILITY GRANTS UNDER SECTION 2599.2(B).

29 (G.2) THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS
30 SHALL BE CONSIDERED AN INNOVATIVE EDUCATIONAL PROGRAM UNDER

1 ARTICLE XVII-F OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN
2 AS THE "TAX REFORM CODE OF 1971."

3 (H) [NO SCHOOL ENTITY SHALL BE REQUIRED TO PARTICIPATE IN
4 THE AUTOMATIC EXTERNAL DEFIBRILLATOR PROGRAM.] (RESERVED).

5 (I) [NO LATER THAN JUNE 30, 2002, THE SECRETARY SHALL SUBMIT
6 A REPORT TO THE GENERAL ASSEMBLY DESCRIBING THE EFFECTIVENESS OF
7 THIS SECTION IN OUTFITTING THE COMMONWEALTH'S SCHOOL ENTITIES
8 WITH AUTOMATIC EXTERNAL DEFIBRILLATORS.] NOT LATER THAN JUNE 30,
9 2014, AND EACH YEAR THEREAFTER, EACH SCHOOL ENTITY SHALL MAKE A
10 REPORT TO THE DEPARTMENT DETAILING THE NUMBER, CONDITION, AGE
11 AND PLACEMENT OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN EACH
12 SCHOOL BUILDING. AFTER THE INITIAL REPORT IS MADE, A SCHOOL
13 ENTITY MAY REPORT THIS INFORMATION AS PART OF THE ANNUAL REPORT
14 REQUIRED BY THE COMMONWEALTH UNDER SECTION 2505.1 TO RECEIVE
15 STATE REIMBURSEMENT FOR HEALTH SERVICES.

16 (I.1) A NONPUBLIC SCHOOL THAT PARTICIPATES IN THE AUTOMATIC
17 EXTERNAL DEFIBRILLATOR PROGRAM UNDER SUBSECTION (B) OR (G) SHALL
18 BE SUBJECT TO THE REPORTING REQUIRED UNDER SUBSECTION (I).

19 (I.2) THE DEPARTMENT SHALL ANNUALLY PUBLISH A REPORT ON ITS
20 PUBLICLY ACCESSIBLE INTERNET WEBSITE NO LATER THAN DECEMBER 31,
21 2014, AND EACH YEAR THEREAFTER. THE REPORT SHALL CONTAIN THE
22 FOLLOWING INFORMATION:

23 (1) THE TOTAL NUMBER OF AUTOMATIC EXTERNAL DEFIBRILLATORS BY
24 SCHOOL ENTITY AND NONPUBLIC SCHOOL.

25 (2) THE NUMBER OF SCHOOL BUILDINGS BY SCHOOL ENTITY AND
26 NONPUBLIC SCHOOL EQUIPPED WITH AUTOMATIC EXTERNAL
27 DEFIBRILLATORS.

28 (3) THE NUMBER OF SCHOOL BUILDINGS BY SCHOOL ENTITY AND
29 NONPUBLIC SCHOOL THAT NEED TO BE EQUIPPED WITH AUTOMATIC
30 EXTERNAL DEFIBRILLATORS.

1 (J) THE DEPARTMENT MAY ADOPT GUIDELINES AS NECESSARY TO
2 ADMINISTER THIS SECTION.

3 (K) THE GENERAL ASSEMBLY MAY APPROPRIATE FUNDS TO CARRY OUT
4 THE PROVISIONS OF THIS SECTION.

5 (L) AS USED IN THIS SECTION--

6 "AUTOMATIC EXTERNAL DEFIBRILLATOR" MEANS A PORTABLE DEVICE
7 THAT USES ELECTRIC SHOCK TO RESTORE A STABLE HEART RHYTHM TO AN
8 INDIVIDUAL IN CARDIAC ARREST.

9 "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION OF THE
10 COMMONWEALTH.

11 "NONPUBLIC SCHOOL" MEANS A NONPROFIT SCHOOL, OTHER THAN A
12 PUBLIC SCHOOL WITHIN THIS COMMONWEALTH, WHEREIN A RESIDENT OF
13 THIS COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL
14 ATTENDANCE REQUIREMENTS OF THIS ACT AND WHICH MEETS THE
15 APPLICABLE REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF
16 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

17 "SCHOOL BUILDING" MEANS A BUILDING OWNED BY OR UNDER THE
18 CONTROL OF A SCHOOL ENTITY OR NONPUBLIC SCHOOL WHERE CLASSES ARE
19 TAUGHT OR EXTRACURRICULAR ACTIVITIES ARE CONDUCTED ON A REGULAR
20 BASIS.

21 "SCHOOL ENTITY" MEANS AN AREA VOCATIONAL-TECHNICAL SCHOOL, A
22 CHARTER SCHOOL, A CYBER CHARTER SCHOOL, AN INTERMEDIATE UNIT[, A
23 NONPUBLIC SCHOOL] OR A SCHOOL DISTRICT.

24 "SECRETARY" MEANS THE SECRETARY OF EDUCATION OF THE
25 COMMONWEALTH.

26 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.