
 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 CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MARCH 31, 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~~

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

~~6 (2) A school entity that has acquired an automatic external
7 defibrillator for each school building of the school entity
8 shall not be required to convene a public hearing under clause
9 (1).~~

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

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

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

~~23 (d) As used in this section~~

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

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

~~29 Section 2. This act shall take effect immediately.~~

~~30 SECTION 1. SECTION 1423 OF THE ACT OF MARCH 10, 1949~~

<--

1 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED
2 MAY 17, 2001 (P.L.4, NO.4), IS AMENDED TO READ:

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

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

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

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

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

30 (3) SUBMIT A VALID PRESCRIPTION FOR THE DEVICE FROM A

1 LICENSED MEDICAL PRACTITIONER IN THIS COMMONWEALTH.

2 (4) AGREE TO PROVIDE THE TRAINING REQUIRED BY SUBSECTION
3 (D).

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

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

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

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

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

30 (G.2) THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS

1 SHALL BE CONSIDERED AN INNOVATIVE EDUCATIONAL PROGRAM UNDER
2 ARTICLE XVII-F OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN
3 AS THE "TAX REFORM CODE OF 1971."

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

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

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

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

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

26 (2) THE NUMBER OF SCHOOL BUILDINGS BY SCHOOL ENTITY AND
27 NONPUBLIC SCHOOL THAT ARE EQUIPPED WITH AUTOMATIC EXTERNAL <--
28 DEFIBRILLATORS.

29 (3) THE NUMBER OF SCHOOL BUILDINGS BY SCHOOL ENTITY AND
30 NONPUBLIC SCHOOL THAT ~~NEED TO BE~~ ARE NOT EQUIPPED WITH AUTOMATIC <--

1 EXTERNAL DEFIBRILLATORS.

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

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

6 (L) AS USED IN THIS SECTION--

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

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

12 "NONPUBLIC SCHOOL" MEANS A NONPROFIT SCHOOL, OTHER THAN A
13 PUBLIC SCHOOL WITHIN THIS COMMONWEALTH, WHEREIN A RESIDENT OF
14 THIS COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL
15 ATTENDANCE REQUIREMENTS OF THIS ACT AND WHICH MEETS THE
16 APPLICABLE REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF
17 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

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

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

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

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