

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1628 Session of
2023

INTRODUCED BY SCOTT, KINSEY, MADDEN, HILL-EVANS, SANCHEZ, OTTEN,
WARREN, CIRESI, CEPEDA-FREYTIZ, CONKLIN AND GREEN,
AUGUST 29, 2023

REFERRED TO COMMITTEE ON HEALTH, AUGUST 29, 2023

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," in school health services, further
6 providing for automatic external defibrillators, providing
7 for automated external defibrillators and training, further
8 providing for sudden cardiac arrest and electrocardiogram
9 testing and providing for electrocardiogram testing.

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

12 Section 1. Section 1423 of the act of March 10, 1949
13 (P.L.30, No.14), known as the Public School Code of 1949, is
14 amended to read:

15 Section 1423. [Automatic] Automated External
16 Defibrillators.--(a) The department shall establish an
17 [automatic] automated external defibrillator program to assist
18 school entities and nonpublic schools in making [automatic]
19 automated external defibrillators available in school buildings.

20 (b) On a biennial basis, the department, in consultation
21 with the Department of General Services and the Department of

1 Health, shall issue an invitation to bid for the cost of
2 [automatic] automated external defibrillators and other
3 equipment and supplies necessary for the proper operation of the
4 device. The department shall accept the bid of the lowest
5 responsible bidder and permit any school entity or nonpublic
6 school to purchase the devices at the contract bid price. The
7 department may purchase [automatic] automated external
8 defibrillators from any funds appropriated pursuant to
9 subsection (k) for distribution to school entities and nonpublic
10 schools.

11 (c) To be eligible to obtain or purchase [automatic]
12 automated external defibrillators under the program a school
13 entity or nonpublic school must:

14 (1) Assure that two (2) or more persons assigned to the
15 location where the [automatic] automated external defibrillator
16 will be primarily housed are trained as required in subsection
17 (d).

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

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

24 (4) Agree to provide the training required by subsection
25 (d).

26 (d) School personnel who are expected to use the [automatic]
27 automated external defibrillator shall complete training in
28 cardiopulmonary resuscitation and in the use of an [automatic]
29 automated external defibrillator provided by the American Heart
30 Association, the American Red Cross or through an equivalent

1 course of instruction approved by the Department of Health.

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

5 (f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good
6 Samaritan civil immunity for use of [automatic] automated
7 external defibrillator) shall apply to school employees who
8 render care with an [automatic] automated external
9 defibrillator.

10 (g) From funds appropriated for this purpose or from other
11 funds available, the department may assist school entities and
12 nonpublic schools that are not equipped with [automatic]
13 automated external defibrillators by providing a discount from
14 the contract bid price obtained under subsection (b) or by
15 providing [automatic] automated external defibrillators obtained
16 under subsection (b).

17 (g.1) The purchase of an [automatic] automated external
18 defibrillator shall be considered an allowable use of
19 Pennsylvania Accountability Grants under section 2599.2(b).

20 (g.2) The purchase of [automatic] automated external
21 defibrillators shall be considered an innovative educational
22 program under Article XVII-F of the act of March 4, 1971 (P.L.6,
23 No.2), known as the "Tax Reform Code of 1971."

24 (h) (Reserved).

25 (i) Not later than June 30, 2014, and each year thereafter,
26 each school entity shall make a report to the department
27 detailing the number, condition, age and placement of
28 [automatic] automated external defibrillators in each school
29 building. After the initial report is made, a school entity may
30 report this information as part of the annual report required by

1 the Commonwealth under section 2505.1 to receive State
2 reimbursement for health services.

3 (i.1) A nonpublic school that participates in the
4 [automatic] automated external defibrillator program under
5 subsection (b) or (g) shall be subject to the reporting required
6 under subsection (i).

7 (i.2) The department shall annually publish a report on its
8 publicly accessible Internet website no later than December 31,
9 2014, and each year thereafter. The report shall contain the
10 following information:

11 (1) The total number of [automatic] automated external
12 defibrillators by school entity and nonpublic school.

13 (2) The number of school buildings by school entity and
14 nonpublic school that are equipped with [automatic] automated
15 external defibrillators.

16 (3) The number of school buildings by school entity and
17 nonpublic school that are not equipped with [automatic]
18 automated external defibrillators.

19 (j) The department may adopt guidelines as necessary to
20 administer this section.

21 (k) The General Assembly may appropriate funds to carry out
22 the provisions of this section.

23 (l) As used in this section--

24 ["Automatic] "Automated external defibrillator" means a
25 portable device that uses electric shock to restore a stable
26 heart rhythm to an individual in cardiac arrest.

27 "Department" means the Department of Education of the
28 Commonwealth.

29 "Nonpublic school" means a nonprofit school, other than a
30 public school within this Commonwealth, wherein a resident of

1 this Commonwealth may legally fulfill the compulsory school
2 attendance requirements of this act and which meets the
3 applicable requirements of Title VI of the Civil Rights Act of
4 1964 (Public Law 88-352, 78 Stat. 241).

5 "School building" means a building owned by or under the
6 control of a school entity or nonpublic school where classes are
7 taught or extracurricular activities are conducted on a regular
8 basis.

9 "School entity" means an area career and technical school, a
10 charter school, a cyber charter school, an intermediate unit or
11 a school district.

12 "Secretary" means the Secretary of Education of the
13 Commonwealth.

14 Section 2. The act is amended by adding a section to read:

15 Section 1423.1. Automated External Defibrillators and
16 Training.--(a) The following shall apply:

17 (1) Each school entity shall place an automated external
18 defibrillator in an easily accessible, centralized location in
19 each occupied school building or facility where school-sponsored
20 activities or athletic activities occur.

21 (2) A minimum of four school entity employes trained in the
22 use of an automated external defibrillator must be present in or
23 in an area immediately surrounding the location of an automated
24 external defibrillator throughout the school day.

25 (3) A minimum of two school entity employes or volunteers
26 trained in the use of an automated external defibrillator must
27 be present at each school-sponsored or school-approved athletic
28 activity.

29 (4) The following school entity employes shall participate,
30 on an annual basis, in training on the use of an automated

1 external defibrillator provided by the American Heart
2 Association, the American Red Cross or through an equivalent
3 course of instruction approved by the Department of Health:

4 (i) The school nurse and at least one additional member of
5 the nursing staff.

6 (ii) The school principal and at least one additional member
7 of school administration.

8 (iii) A physical education teacher.

9 (iv) The head coach of each athletic team and at least one
10 additional member of the coaching staff.

11 (v) The school resource officer or any other school security
12 personnel.

13 (vi) The director of athletic activities or a designee.

14 (vii) Any other employe as assigned by the school entity in
15 compliance with this section.

16 (b) Each school entity shall perform an annual inspection to
17 ensure that each automated external defibrillator is functional
18 according to manufacturer's guidelines.

19 (c) On an annual basis, each school entity shall report to
20 the Department of Education and Department of Health the
21 following information:

22 (1) The number of automated external defibrillators placed
23 in school buildings and facilities.

24 (2) The names of employes trained in the use of automated
25 external defibrillators and proof of certification or successful
26 completion of training.

27 (3) Any other information requested by the Department of
28 Education or Department of Health relating to automated external
29 defibrillator availability and training.

30 (d) As used in this section, the following words and phrases

1 shall have the meanings given to them in this subsection:

2 "Athletic activity." Any of the following:

3 (1) Interscholastic athletics as defined in section 1602-A.

4 (2) An athletic contest or competition, other than
5 interscholastic athletics, that is sponsored by or associated
6 with a school entity, including cheerleading, club-sponsored
7 sports activities or sports activities sponsored by school-
8 affiliated organizations.

9 (3) Noncompetitive cheerleading that is sponsored by or
10 associated with a school entity.

11 (4) Practices, interschool practices and scrimmages for an
12 activity listed under clause (1), (2) or (3).

13 "Automated external defibrillator." As defined in section
14 1423.

15 "School building or facility." A building or facility owned
16 by or under the control of a school entity or, in the case of a
17 cyber charter school, at each location under the cyber charter
18 school's jurisdiction, where classes are taught or
19 extracurricular activities are conducted on a regular basis.

20 "School entity." A public school, charter school, cyber
21 charter school, private school, nonpublic school, intermediate
22 unit or area career and technical school.

23 "School resource officer" or "school security personnel." As
24 defined in section 1301-C.

25 "School-sponsored activities." Assemblies, graduation
26 ceremonies, athletic activities, extracurricular activities,
27 clubs, groups, teams or any activities sponsored, held or
28 approved by the school entity whether held during normal school
29 hours or otherwise.

30 Section 3. Section 1425(a) and (d)(1) of the act are amended

1 to read:

2 Section 1425. Sudden Cardiac Arrest and Electrocardiogram
3 Testing.--(a) (1) The department and the Department of
4 Education shall develop and post on their publicly accessible
5 Internet websites guidelines and other relevant materials to
6 inform and educate students participating in or desiring to
7 participate in an athletic activity, their parents or guardians
8 and their coaches about:

9 (i) The nature and warning signs of sudden cardiac arrest,
10 including the risks associated with continuing to play or
11 practice after experiencing one (1) or more symptoms of sudden
12 cardiac arrest, including fainting, difficulty breathing, chest
13 pains, dizziness and abnormal racing heart rate.

14 (ii) Information about electrocardiogram testing, including
15 the potential risks, benefits and evidentiary basis behind
16 electrocardiogram testing.

17 (iii) The [option] requirement to request, from the family's
18 medical provider or a cardiologist, the administration of an
19 electrocardiogram, in addition to the comprehensive initial
20 participation physical examination, at a cost to be incurred by
21 the parent or guardian.

22 (2) In developing the guidelines and materials, the
23 department and the Department of Education shall consult with a
24 nationally accredited cardiology association and may utilize
25 existing materials developed by organizations such as Parent
26 Heart Watch, Sudden Arrhythmia Death Syndromes Foundation and
27 the American College of Cardiology.

28 (3) A student participating in or desiring to participate in
29 an athletic activity and the student's parent or guardian shall,
30 each school year and prior to participation by the student in an

1 athletic activity, sign and return to the student's school an
2 acknowledgment of receipt and review of a sudden cardiac arrest
3 symptoms and warning signs information sheet that includes
4 information about electrocardiogram testing developed under this
5 subsection.

6 (4) The parent or legal guardian or a student participating
7 in or desiring to participate in an athletic activity shall,
8 prior to participation in an athletic activity and every other
9 year thereafter through the twelfth grade, provide certification
10 from the family's medical provider or a cardiologist that the
11 student has received electrocardiogram testing and does not
12 exhibit signs, symptoms or risk factors of sudden cardiac
13 arrest.

14 * * *

15 (d) (1) Once each school year, a coach of an athletic
16 activity shall complete [the sudden cardiac arrest training
17 course] training in sudden cardiac arrest and the use of an
18 automated external defibrillator offered by a provider approved
19 by the department.

20 * * *

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

22 Section 1426. Electrocardiogram Testing.--(a) Prior to
23 admission to school for the first time, a parent or legal
24 guardian shall present to the school entity certification from a
25 primary care provider or cardiologist that the child has passed
26 or failed an electrocardiogram performed by a primary care
27 provider, cardiologist or other health care provider with
28 specific training in cardiovascular screening techniques and
29 protocols approved by the Department of Health, at a cost to be
30 incurred by the parent or guardian.

1 (b) The following shall apply:

2 (1) Every two years until the child graduates from the
3 twelfth grade, the child shall receive electrocardiogram testing
4 as required under subsection (a).

5 (2) For a child who fails an electrocardiogram test, a
6 comprehensive cardiovascular examination, performed by a
7 cardiologist shall be required within one hundred twenty (120)
8 days or before the start of the next school year, whichever
9 comes first. Notification shall include a form, to be completed
10 by the examining cardiologist, to be used for reporting the
11 results of the examination. The report may include the
12 following:

13 (i) Date of report.

14 (ii) Name, address and date of birth of the child.

15 (iii) Name of the child's school.

16 (iv) A summary of significant findings, diagnosis,
17 treatment, prognosis and whether a return visit is recommended
18 and, if so, when.

19 (v) Recommended educational and physical activity
20 adjustments for the child, if any.

21 (vi) Name, address and signature of the examiner.

22 (3) The examination report may be accompanied by an envelope
23 for return of the form to school health personnel so the
24 completion status and result of the examination under clause (2)
25 may be recorded.

26 (c) A child may not be denied admission or excluded from
27 attending school for the reason that the parent or legal
28 guardian failed to furnish a report of the child's
29 electrocardiogram test or to have a cardiovascular examination
30 completed upon failure of the electrocardiogram.

1 (d) A school entity shall not be required to facilitate
2 comprehensive cardiovascular examinations or held financially
3 responsible for the treatment of a child who fails the required
4 electrocardiogram testing.

5 (e) This section shall apply to school years beginning after
6 the effective date of this section.

7 Section 5. This act shall take effect in 60 days.