

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 375 Session of 2023

INTRODUCED BY BROWN, BAKER, BARTOLOTTA, COSTA, PENNYCUICK, BREWSTER, DILLON, ROBINSON, STEFANO, SCHWANK, SANTARSIERO, REGAN AND LANGERHOLC, FEBRUARY 21, 2023

REFERRED TO EDUCATION, FEBRUARY 21, 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 certification of teachers, further  
 6 providing for CPR instruction and providing for procedures  
 7 regarding response to cardiac arrest and for donations for  
 8 use related to CPR and AED instruction; and, in school health  
 9 services, repealing provisions relating to automatic external  
 10 defibrillators and providing for availability and  
 11 specifications of automated external defibrillators.

12 The General Assembly of the Commonwealth of Pennsylvania  
 13 hereby enacts as follows:

14 Section 1. Section 1205.4 of the act of March 10, 1949  
 15 (P.L.30, No.14), known as the Public School Code of 1949, is  
 16 amended to read:

17 Section 1205.4. CPR and Use of AED Instruction.--(a) School  
 18 entities shall [be required to offer a cardiopulmonary  
 19 resuscitation training (CPR) class] make available to the school  
 20 entity's employees and volunteers instruction in the principles  
 21 and techniques of cardiopulmonary resuscitation (CPR) and the  
 22 use of an automated external defibrillator (AED) on school

1 premises at least once every [~~three~~] two years. The course shall  
2 be offered as an option to all employes and volunteers of the  
3 school entity.

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

10 (1) the American Red Cross;

11 (2) the American Heart Association;

12 (3) an individual certified to conduct CPR training by the  
13 American Red Cross, American Heart Association or other  
14 certifying agency approved by the Department of Health; or

15 (4) other certifying agency approved by the Department of  
16 Health.

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

20 (c.1) (1) School entities shall ensure that each AED  
21 location has at least five (5) persons trained and certified in  
22 the use of an AED. Each school nurse, assistant school nurse,  
23 athletic coach or sponsor, marching band director, physical  
24 education teacher, athletic trainer, athletic training student  
25 aide, cheerleading coach and any other school entity employe  
26 specified by the Secretary of Education must participate in the  
27 instruction in the use of an AED. A person described in this  
28 subsection must receive and maintain training completion in the  
29 use of an AED from:

30 (i) the American Red Cross;

1 (ii) the American Heart Association;  
2 (iii) an individual certified to conduct AED training by the  
3 American Red Cross, American Heart Association or other  
4 certifying agency approved by the Department of Health; or  
5 (iv) other certifying agency approved by the Department of  
6 Health.

7 (2) A school entity shall ensure that at a minimum one (1)  
8 person trained in the use of an AED is in the immediate vicinity  
9 of the location of the AED during school hours.

10 (c.2) A nonpublic or private school that receives an AED  
11 from the Department of Education or receives funding from a  
12 certifying agency to purchase or lease an AED shall adopt a  
13 policy under which the school makes available to school employes  
14 and volunteers instruction in the principles and techniques of  
15 CPR and the use of an AED as provided under section 1205.9. The  
16 policy must comply with the requirements prescribed by this  
17 section and rules adopted by the Department of Education.

18 (c.3) A cyber charter school may provide the instruction  
19 under this section through the Internet or other electronic  
20 means. If a cyber charter school provides the instruction under  
21 this section through the Internet or other electronic means, the  
22 cyber charter school shall be exempt from the academic standards  
23 and guidelines developed regarding in-person instructional  
24 requirements under this section.

25 (d) For purposes of this section, a school entity shall be  
26 defined as a local school district, intermediate unit or area  
27 career and technical school.

28 Section 2. The act is amended by adding sections to read:

29 Section 1205.9. Procedures Regarding Response to Cardiac  
30 Arrest.--(a) Each school entity as defined under section

1 1205.4, nonpublic school and private school shall develop a  
2 written cardiac emergency response plan (CERP) that shall  
3 include:

4 (1) An annual review.

5 (2) The creation of a safety or cardiac emergency team with  
6 appropriate training in cardiopulmonary resuscitation (CPR) and  
7 automated external defibrillator (AED) use.

8 (3) Safety procedures to follow in response to a medical  
9 emergency involving cardiac arrest, including the appropriate  
10 response time in administering CPR, using an AED and calling a  
11 local emergency medical services provider or 911.

12 (b) Each school entity's CERP under subsection (a) shall  
13 apply to all of the following:

14 (1) Safety and cardiac awareness information shall be shared  
15 with the staff annually, and the CERP shall be shared with those  
16 responsible for extracurricular activities, community groups,  
17 summer or other programs using the school entity's campus or  
18 facilities.

19 (2) Yearly, sudden cardiac arrest drills shall be undertaken  
20 to test the CERP to manage a sudden cardiac arrest. The drill  
21 shall be in a similar manner as a fire drill or active shooter  
22 drill and include school staff without requiring students to  
23 participate.

24 (c) A nonpublic or private school that receives an AED from  
25 the Department of Education or receives funding from the  
26 Department of Education to purchase or lease an AED shall comply  
27 with this section.

28 Section 1205.10. Donations for Use Related to CPR and AED  
29 Instruction.--(a) The Department of Education may accept  
30 donations, including donations of equipment, for use in

1 providing cardiopulmonary resuscitation (CPR) and automated  
2 external defibrillator (AED) instruction to students, school  
3 entity employes and volunteers. The Department of Education:

4 (1) shall distribute the donations to school entities for  
5 the purpose of CPR and AED instruction under section 1205.4; and

6 (2) may use a portion of the donations to the extent  
7 necessary to pay administrative expenses related to the  
8 donations.

9 (b) A school entity may accept from the Department of  
10 Education donations the Department of Education receives under  
11 subsection (a) for use in providing instruction to students in  
12 the principles and techniques of CPR and operating an AED. A  
13 school entity may accept other donations, including donations of  
14 equipment, for use in providing the instruction.

15 (c) To the extent that resources are available to a school  
16 entity under this section, the school entity shall make  
17 available instruction to students in the principles and  
18 techniques of CPR and operating an AED.

19 (d) A school entity may use resources other than those made  
20 available under this section to make available instruction to  
21 students in the principles and techniques of CPR and operating  
22 an AED.

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

25 (f) For purposes of this section, the term "school entity"  
26 shall mean a local school district, intermediate unit, area  
27 career and technical school, charter school or cyber charter  
28 school.

29 Section 3. Section 1423 of the act is repealed:

30 [Section 1423. Automatic External Defibrillators.--(a) The

1 department shall establish an automatic external defibrillator  
2 program to assist school entities and nonpublic schools in  
3 making automatic external defibrillators available in school  
4 buildings.

5 (b) On a biennial basis, the department, in consultation  
6 with the Department of General Services and the Department of  
7 Health, shall issue an invitation to bid for the cost of  
8 automatic external defibrillators and other equipment and  
9 supplies necessary for the proper operation of the device. The  
10 department shall accept the bid of the lowest responsible bidder  
11 and permit any school entity or nonpublic school to purchase the  
12 devices at the contract bid price. The department may purchase  
13 automatic external defibrillators from any funds appropriated  
14 pursuant to subsection (k) for distribution to school entities  
15 and nonpublic schools.

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

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

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

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

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

30 (d) School personnel who are expected to use the automatic

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

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

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

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

19 (g.1) The purchase of an automatic external defibrillator  
20 shall be considered an allowable use of Pennsylvania  
21 Accountability Grants under section 2599.2(b).

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

26 (h) (Reserved).

27 (i) Not later than June 30, 2014, and each year thereafter,  
28 each school entity shall make a report to the department  
29 detailing the number, condition, age and placement of automatic  
30 external defibrillators in each school building. After the

1 initial report is made, a school entity may report this  
2 information as part of the annual report required by the  
3 Commonwealth under section 2505.1 to receive State reimbursement  
4 for health services.

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

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

12 (1) The total number of automatic external defibrillators by  
13 school entity and nonpublic school.

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

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

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

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

24 (l) As used in this section--

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

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

30 "Nonpublic school" means a nonprofit school, other than a



1 public school within this Commonwealth, wherein a resident of  
2 this Commonwealth may legally fulfill the compulsory school  
3 attendance requirements of this act and which meets the  
4 applicable requirements of Title VI of the Civil Rights Act of  
5 1964 (Public Law 88-352, 78 Stat. 241).

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

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

13 "Secretary" means the Secretary of Education of the  
14 Commonwealth.]

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

16 Section 1423.1. Availability and Specifications of Automated  
17 External Defibrillators.--(a) Every school entity, nonpublic  
18 school and private school shall have at least one automated  
19 external defibrillator (AED) in each occupied building on the  
20 school's premises or campus at all times and available to each  
21 interscholastic athletic contest or competition. The presence of  
22 emergency services personnel shall fulfill the requirement.

23 (a.1) The board of school directors of a school entity shall  
24 adopt a policy regarding the placement and use of AEDs and the  
25 number of personnel who must receive training as required under  
26 section 1205.4.

27 (b) If a school entity uses its facility for its own school-  
28 sponsored or school-approved interscholastic athletics, the  
29 school entity shall, in cooperation with the Pennsylvania  
30 Interscholastic Athletic Association, make available an AED and

1 at least one school entity employe who is trained and certified  
2 under section 1205.4 at each interscholastic athletic contest or  
3 competition. The presence of emergency services personnel shall  
4 fulfill the requirement.

5 (c) This section does not:

6 (1) waive any liability or immunity of a school entity,  
7 nonpublic school or private school or its officers or employes;  
8 or

9 (2) create any liability for or a cause of action against a  
10 school entity, nonpublic school or private school or its  
11 officers or employes.

12 (d) 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 employes who render care  
15 with an AED.

16 (e) Every school entity, nonpublic school and private school  
17 shall ensure that every AED on the school's premises or campus  
18 is properly tested and maintained in accordance with the  
19 manufacturer's operational guidelines. Every AED in a school  
20 entity, nonpublic school or private school shall meet the most  
21 recent minimum specifications as required by the Department of  
22 Health.

23 (f) Definitions.--As used in this section, the following  
24 words and phrases shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

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

29 Section 5. School entities, nonpublic schools and private  
30 schools shall comply with the amendment or addition of sections

1 1205.4, 1205.9, 1205.10 and 1423.1 of the act no later than  
2 three years after the effective date of this section.

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