

No. 2014-35

AN ACT

HB 974

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in school health services, further providing for automated external defibrillators.

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

Section 1. Section 1423 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added May 17, 2001 (P.L.4, No.4), is amended to read:

Section 1423. Automatic External Defibrillators.—(a) **[For the fiscal year 2001-2002, the] *The*** department shall establish **[a one-time] *an*** automatic external defibrillator program to assist school entities ***and nonpublic schools*** in **[acquiring] *making*** automatic external defibrillators ***available in school buildings***.

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

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

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

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

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

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

(d) School personnel who are expected to use the automatic external defibrillator shall complete training in cardiopulmonary resuscitation and in the use of an automatic external defibrillator provided by the American Heart Association, the American Red Cross or through an equivalent course of instruction approved by the Department of Health.

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

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

(g) From funds appropriated for this purpose, the department[, upon request, shall provide: up to two (2) automatic external defibrillators to each school district; one (1) automatic external defibrillator to each intermediate unit; and one (1) automatic external defibrillator to each area vocational-technical school.] *may assist school entities and nonpublic schools that are not equipped with automatic external defibrillators by providing a discount from the contract bid price obtained under subsection (b) or by providing automatic external defibrillators obtained under subsection (b).*

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

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

(h) [No school entity shall be required to participate in the automatic external defibrillator program.] *(Reserved).*

(i) [No later than June 30, 2002, the secretary shall submit a report to the General Assembly describing the effectiveness of this section in outfitting the Commonwealth's school entities with automatic external defibrillators.] *Not later than June 30, 2014, and each year thereafter, each school entity shall make a report to the department detailing the number, condition, age and placement of automatic external defibrillators in each school building. After the initial report is made, a school entity may report this information as part of the annual report required by the Commonwealth under section 2505.1 to receive State reimbursement for health services.*

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

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

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

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

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

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

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

(l) As used in this section—

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

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

"Nonpublic school" means a nonprofit school, other than a public school within this Commonwealth, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

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

"School entity" means an area vocational-technical school, a charter school, *a cyber charter school*, an intermediate unit[, **a nonpublic school**] or a school district.

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

Section 2. This act shall take effect in 60 days.

APPROVED—The 18th day of April, A.D. 2014

TOM CORBETT