



March 30, 2023

**ENGROSSED
SENATE BILL No. 369**

DIGEST OF SB 369 (Updated March 29, 2023 4:32 pm - DI 143)

Citations Affected: IC 20-34.

Synopsis: Automated external defibrillator requirement. Requires school coaches, assistant coaches, marching band leaders, drama and musical leaders, and extracurricular activity leaders to ensure that an operational automated external defibrillator (AED) is present at each event in which students have an increased risk of sudden cardiac arrest (event) for which the individual is providing coaching or leadership. Requires the AED to be: (1) deployed in accordance with the venue
(Continued next page)

Effective: July 1, 2023.

**Rogers, Donato, Walker G,
Ford J.D., Johnson T, Qaddoura,
Yoder, Crane, Hunley,
Randolph Lonnie M**

(HOUSE SPONSORS — PRESSEL, DEVON, KING, JACKSON)

January 17, 2023, read first time and referred to Committee on Family and Children Services.

February 6, 2023, reported favorably — Do Pass.

February 14, 2023, read second time, amended, ordered engrossed.

February 15, 2023, engrossed.

February 16, 2023, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 28, 2023, read first time and referred to Committee on Education.

March 30, 2023, amended, reported — Do Pass.

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Digest Continued

specific emergency action plan; (2) located on the premises where the event occurs; and (3) present for the duration of the event. Allows two or more events to share an AED if certain conditions are met. Requires school coaches, assistant coaches, marching band leaders, drama and musical leaders, and extracurricular activity leaders to, at each event, inform all individuals who are overseeing or supervising the activity of the location of the AED. Requires each school corporation, charter school, and state accredited nonpublic school to: (1) ensure that each required AED is properly maintained; (2) develop a venue specific emergency action plan for sudden cardiac arrest (plan); (3) post the plan in a conspicuous place at an event; and (4) share the plan with the school board, school coaches, assistant coaches, marching band leaders, drama and musical leaders, extracurricular activity leaders, and applicable students. Requires a plan to: (1) to establish a goal of responding within three minutes; and (2) to require the performance of periodic drills.



March 30, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 369

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-34-8-3.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 3.5. As used in this chapter, "venue specific
4 emergency action plan for sudden cardiac arrest" means a plan
5 developed by a school corporation, charter school, or state
6 accredited nonpublic school that:**

7 **(1) includes detailed instructions regarding how to respond to
8 sudden cardiac arrest; and**
9 **(2) indicates the location of the nearest automated external
10 defibrillator (AED) at the venue.**

11 SECTION 2. IC 20-34-8-9, AS ADDED BY P.L.56-2021,
12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2023]: **Sec. 9. (a) This section applies to:**

14 **(1) a head coach or assistant coach who coaches an athletic
15 activity;**
16 **(2) a marching band leader; or**
17 **(3) a drama or musical leader; or**

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1 ~~(3)~~ **(4)** a leader of an extracurricular activity in which students
 2 have an increased risk of sudden cardiac arrest activity as
 3 determined by the department in consultation with an
 4 organization that specializes in the prevention of sudden cardiac
 5 arrest.

6 (b) An individual described in subsection (a) shall complete the
 7 sudden cardiac arrest training course offered by a provider approved by
 8 the department in a manner specified by the state board under
 9 IC 20-28-5.5-1. **The sudden cardiac arrest training course described**
 10 **in this subsection must include training in the use of an automated**
 11 **external defibrillator (AED).** An individual described in subsection
 12 (a) may not coach or lead the ~~athletic activity~~ **event in which students**
 13 **have an increased risk of sudden cardiac arrest** until the individual
 14 completes the training course required under this subsection. The
 15 provider shall provide the school with a certificate of completion to the
 16 school corporation, charter school, or state accredited nonpublic school
 17 for each individual who completes a course under this subsection.

18 (c) Each school corporation, charter school, or state accredited
 19 nonpublic school shall maintain all certificates of completion awarded
 20 under subsection (b) for each individual described in subsection (a).

21 (d) An individual described in subsection (a) who complies with this
 22 section and provides coaching or leadership services in good faith is
 23 not personally liable for damages in a civil action as a result of a
 24 sudden cardiac arrest incurred by an applicable student participating in
 25 an ~~athletic activity~~ **event in which students have an increased risk of**
 26 **sudden cardiac arrest** for which the head coach, assistant coach,
 27 marching band leader, **drama or musical leader**, or other applicable
 28 leader provided coaching or leadership services, except for an act or
 29 omission by the individual described in subsection (a) that constitutes
 30 gross negligence or willful or wanton misconduct.

31 (e) **An individual described in subsection (a) shall ensure that an**
 32 **operational automated external defibrillator (AED) is present at**
 33 **each event in which students have an increased risk of sudden**
 34 **cardiac arrest for which the individual described in subsection (a)**
 35 **is providing coaching or leadership.**

36 (f) **An automated external defibrillator (AED) required by**
 37 **subsection (e) must be:**

38 (1) **deployed in accordance with the venue specific emergency**
 39 **action plan for sudden cardiac arrest developed under**
 40 **subsection (i);**

41 (2) **except as provided in subsection (g), located on the**
 42 **premises where the event in which students have an increased**



1 risk of sudden cardiac arrest occurs; and

2 (3) present for the duration of the event in which students
3 have an increased risk of sudden cardiac arrest.

4 (g) One (1) automated external defibrillator (AED) may be
5 shared by two (2) or more events in which students have an
6 increased risk of sudden cardiac arrest if the following conditions
7 are met:

8 (1) The events in which students have an increased risk of
9 sudden cardiac arrest occur at the same time.

10 (2) The events in which students have an increased risk of
11 sudden cardiac arrest occur in locations that are in close
12 proximity to each other, as determined by the department.

13 (3) The automated external defibrillator (AED) is placed in a
14 designated location that is between the events in which
15 students have an increased risk of sudden cardiac arrest and
16 meets the requirements of subsection (f)(3).

17 (4) Each individual described in subsection (a) who conducts
18 an event in which students have an increased risk of sudden
19 cardiac arrest described in this subsection is aware of the
20 designated location of the automated external defibrillator
21 (AED).

22 (h) At each event in which students have an increased risk of
23 sudden cardiac arrest, an individual described in subsection (a)
24 shall inform all individuals who are coaching or providing
25 leadership at the event in which students have an increased risk of
26 sudden cardiac arrest of the location of the automated external
27 defibrillator (AED).

28 (i) Each school corporation, charter school, and state accredited
29 nonpublic school shall do the following:

30 (1) Ensure that an automated external defibrillator (AED)
31 described in subsection (e) is properly maintained.

32 (2) Develop a venue specific emergency action plan for sudden
33 cardiac arrest that:

34 (A) establishes a goal of responding within three (3)
35 minutes to a sudden cardiac arrest occurring within the
36 venue; and

37 (B) requires the performance of periodic drills at times and
38 locations determined by the governing body.

39 (3) Distribute the plan described in subdivision (2) to the
40 school board.

41 (4) Share the plan described in subdivision (2) with each
42 individual described in subsection (a).



- 1 **(5) Post the plan described in subdivision (2) in a conspicuous**
- 2 **place so that it is visible by any participants of an activity at**
- 3 **the venue.**
- 4 **(6) Before the beginning of the season of each event in which**
- 5 **students have an increased risk of sudden cardiac arrest,**
- 6 **share the plan described in subdivision (2) with all applicable**
- 7 **students.**



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 369, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 369 as introduced.)

WALKER G, Chairperson

Committee Vote: Yeas 7, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 369 be amended to read as follows:

Page 2, line 35, after "(2)" insert "**except for a cross country running practice,**".

(Reference is to SB 369 as printed February 7, 2023.)

ROGERS

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, strike "or".

Page 1, between lines 16 and 17, begin a new line block indented and insert:

"(3) a drama or musical leader; or".

Page 1, line 17, strike "(3)" and insert "**(4)**".

Page 2, line 10, strike "athletic activity" and insert "**event in which students have an increased risk of sudden cardiac arrest"**.

Page 2, line 22, strike "athletic activity" and insert "**event in which students have an increased risk of sudden cardiac arrest"**.

Page 2, line 23, after "leader," insert "**drama or musical leader,**".

Page 2, line 29, delete "athletic activity" and insert "**event in which**".

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students have an increased risk of sudden cardiac arrest".

Page 2, line 29, after "individual" insert "**described in subsection (a)**".

Page 2, between lines 32 and 33, begin a new line block indented and insert:

"(1) deployed in accordance with the venue specific emergency action plan for sudden cardiac arrest developed under subsection (i);"

Page 2, line 33, delete "(1)" and insert "(2)".

Page 2, line 34, delete "athletic activity occurs;" and insert "**event in which students have an increased risk of sudden cardiac arrest occurs; and"**.

Page 2, delete lines 35 through 37.

Page 2, line 38, delete "athletic activity." and insert "**event in which students have an increased risk of sudden cardiac arrest."**

Page 2, line 40, delete "athletic activities" and insert "**events in which students have an increased risk of sudden cardiac arrest"**.

Page 2, line 42, delete "athletic activities" and insert "**events in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 1, delete "athletic activities" and insert "**events in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 4, delete "athletic activities" and insert "**events in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 5, delete "(f)(2) and".

Page 3, line 7, delete "athletic activity" and insert "**event in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 10, delete "athletic activity," and insert "**event in which students have an increased risk of sudden cardiac arrest,"**".

Page 3, line 12, delete "athletic activity" and insert "**event in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 19, delete "arrest." and insert "**arrest that:**

(A) establishes a goal of responding within three (3) minutes to a sudden cardiac arrest occurring within the venue; and

(B) requires the performance of periodic drills at times and locations determined by the governing body."

Page 3, line 27, delete "each athletic activity's season," and insert "**the season of each event in which students have an increased risk of sudden cardiac arrest,"**".

and when so amended that said bill do pass.



(Reference is to SB 369 as reprinted February 15, 2023.)

BEHNING

Committee Vote: yeas 12, nays 1.

