

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1685 Session of 2023

INTRODUCED BY BRENNAN, PROBST, BOROWSKI, PIELLI, McNEILL, HOWARD, MADSEN, MADDEN, HADDOCK, KHAN, GUENST, HILL-EVANS, SANCHEZ, KINSEY, DONAHUE, MAYES, FREEMAN, CEPEDA-FREYTIZ, CIRESI, GREEN, SCHLOSSBERG, WARREN, OTTEN, DEASY AND CURRY, SEPTEMBER 19, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 2, 2024

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,
6 repealing provisions relating to CPR instruction; and, in
7 school health services, repealing provisions relating to
8 automatic external defibrillators and providing for AED and
9 CPR instruction and procedure, for Automated External
10 Defibrillator Program, AND for availability and <--
11 specifications of automated external defibrillators and for <--
12 sudden cardiac event emergency action plan for athletic
13 activities.

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

16 Section 1. Sections 1205.4 and 1423 of the act of March 10,
17 1949 (P.L.30, No.14), known as the Public School Code of 1949,
18 are repealed:

19 [Section 1205.4. CPR Instruction.--(a) School entities
20 shall be required to offer a cardiopulmonary resuscitation
21 training (CPR) class on school premises at least once every

1 three years. The course shall be offered as an option to all
2 employes of the school entity.

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

8 (1) the American Red Cross;

9 (2) the American Heart Association;

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

13 (4) other certifying agency approved by the Department of
14 Health.

15 (c) School districts may include this training in the
16 continuing education plan submitted by the district to the
17 Department of Education under section 1205.1.

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

21 Section 1423. Automatic External Defibrillators.--(a) The
22 department shall establish an automatic external defibrillator
23 program to assist school entities and nonpublic schools in
24 making automatic external defibrillators available in school
25 buildings.

26 (b) On a biennial basis, the department, in consultation
27 with the Department of General Services and the Department of
28 Health, shall issue an invitation to bid for the cost of
29 automatic external defibrillators and other equipment and
30 supplies necessary for the proper operation of the device. The

1 department shall accept the bid of the lowest responsible bidder
2 and permit any school entity or nonpublic school to purchase the
3 devices at the contract bid price. The department may purchase
4 automatic external defibrillators from any funds appropriated
5 pursuant to subsection (k) for distribution to school entities
6 and nonpublic schools.

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

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

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

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

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

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

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

30 (f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good

1 Samaritan civil immunity for use of automated external
2 defibrillator) shall apply to school employes who render care
3 with an automatic external defibrillator.

4 (g) From funds appropriated for this purpose, the department
5 may assist school entities and nonpublic schools that are not
6 equipped with automatic external defibrillators by providing a
7 discount from the contract bid price obtained under subsection
8 (b) or by providing automatic external defibrillators obtained
9 under subsection (b).

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

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

17 (h) (Reserved).

18 (i) Not later than June 30, 2014, and each year thereafter,
19 each school entity shall make a report to the department
20 detailing the number, condition, age and placement of automatic
21 external defibrillators in each school building. After the
22 initial report is made, a school entity may report this
23 information as part of the annual report required by the
24 Commonwealth under section 2505.1 to receive State reimbursement
25 for health services.

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

29 (i.2) The department shall annually publish a report on its
30 publicly accessible Internet website no later than December 31,

1 2014, and each year thereafter. The report shall contain the
2 following information:

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

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

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

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

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

15 (l) As used in this section--

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

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

21 "Nonpublic school" means a nonprofit school, other than a
22 public school within this Commonwealth, wherein a resident of
23 this Commonwealth may legally fulfill the compulsory school
24 attendance requirements of this act and which meets the
25 applicable requirements of Title VI of the Civil Rights Act of
26 1964 (Public Law 88-352, 78 Stat. 241).

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

1 "School entity" means an area career and technical school, a
2 charter school, a cyber charter school, an intermediate unit or
3 a school district.

4 "Secretary" means the Secretary of Education of the
5 Commonwealth.]

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

7 Section 1423.1. AED and CPR Instruction and Procedure.--(a)

8 Each school entity shall make available to the school entity's
9 employees and volunteers instruction in the principles and
10 techniques of cardiopulmonary resuscitation and the use of an
11 automated external defibrillator on school premises at least
12 once every two years. The following apply:

13 (1) The instruction shall be offered as an option to all
14 school entity employees and volunteers.

15 (2) The instruction shall be conducted by any of the
16 following:

17 (i) The American Red Cross.

18 (ii) The American Heart Association.

19 (iii) An individual certified to conduct CPR training by the
20 American Red Cross, American Heart Association or other
21 certifying agency approved by the Department of Health.

22 (iv) Another certifying agency approved by the Department of
23 Health.

24 (3) A school entity, nonpublic school or private school, as
25 applicable, may provide the instruction under this section
26 through the Internet or other electronic means.

27 (b) The following apply to AED and CPR instruction:

28 (1) Each school entity shall ensure that at least one (1)
29 individual trained and certified in the use of an AED and CPR is
30 present in each school building during each school day.

1 (2) Each school nurse or designee, coach of an athletic
2 activity, MARCHING BAND DIRECTOR, physical education teacher, <--
3 athletic trainer and athletic training student aide within each
4 school entity must participate in the instruction in the use of
5 an AED and CPR.

6 (3) An individual described in this subsection must complete
7 the instruction and maintain certification in the use of an AED
8 in accordance with this section.

9 (c) The following apply to continuing education
10 requirements:

11 (1) A school entity may include the instruction under this
12 section in the continuing education plan submitted by the
13 district to the department under section 1205.1.

14 (2) Satisfying the instruction requirements of this section
15 shall also satisfy the training requirements under section
16 1425(d).

17 (d) Completion of instruction under subsections (a) and (b),
18 including the testing of skills and knowledge, shall be
19 documented by the signature and title of a representative of the
20 training entity and shall include the date that the instruction
21 was completed. The documentation shall be retained by the school
22 entity in the file of the employe or volunteer that completed
23 the training.

24 (e) The following apply to a cardiac emergency response
25 plan:

26 (1) Each school entity, nonpublic school or private school
27 shall develop or amend an existing cardiac emergency response
28 plan FOR SCHOOLS AND SCHOOL ATHLETIC ACTIVITIES that includes: <--

29 (i) Nationally recognized evidence-based core elements or
30 standards.

1 (ii) An annual review.

2 (iii) Safety procedures to follow in response to a medical
3 emergency involving cardiac arrest and the use of an AED.

4 (iv) The placement of AEDs on school premises.

5 (2) The cardiac emergency response plan of each school
6 entity, nonpublic school or private school shall:

7 (i) Make available cardiac awareness information to school
8 employees and those responsible for extracurricular activities of
9 the school entity.

10 (ii) Require conducting annual sudden cardiac arrest drills
11 with or without the participation of students to test the
12 cardiac emergency response plan in response to a sudden cardiac
13 arrest.

14 (f) As used in this section, the following words and phrases
15 shall have the meanings given to them in this subsection unless
16 the context clearly indicates otherwise:

17 "Athletic activity" means as defined in section 1425(h).

18 "Automated external defibrillator" or "AED" means a portable
19 device that uses electric shock to restore a stable heart rhythm
20 to an individual in cardiac arrest.

21 "CPR" means cardiopulmonary resuscitation.

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

24 "Nonpublic school" means a nonprofit school, other than a
25 public school within this Commonwealth, wherein a resident of
26 this Commonwealth may legally fulfill the compulsory school
27 attendance requirements of this act and which meets the
28 applicable requirements of Title VI of the Civil Rights Act of
29 1964 (Public Law 88-352, 78 Stat. 241).

30 "Private school" means a school licensed under the act of

1 December 15, 1986 (P.L.1585, No.174), known as the Private
2 Licensed Schools Act.

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

7 "School day" means the length of time that a child subject to
8 compulsory school attendance is expected to be receiving
9 instruction during a calendar day as determined by the governing
10 body.

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

14 "Volunteer" means an individual who holds an unpaid position
15 with a school entity as a volunteer for a program, activity or
16 service and is responsible for the welfare of children or has
17 direct volunteer contact.

18 Section 1423.2. Automated External Defibrillator Program.--

19 (a) The department shall establish the Automated External
20 Defibrillator Program to assist school entities, nonpublic
21 schools and private schools in making AEDs available in school
22 buildings.

23 (b) On a biennial basis, the department, in consultation
24 with the Department of General Services and the Department of
25 Health, shall issue an invitation to bid for the cost of AEDs
26 and other equipment and supplies necessary for the proper
27 operation of the device. The department shall accept the bid of
28 the lowest responsible bidder and permit any school entity,
29 nonpublic school or private school to purchase the devices at
30 the contract bid price. The department may purchase AEDs from

1 any money appropriated in accordance with subsection (l) for
2 distribution to school entities, nonpublic schools or private
3 schools.

4 (c) To be eligible to obtain or purchase AEDs under the
5 program, a school entity, nonpublic school or private school
6 must:

7 (1) Comply with the provisions in section 1423.1.

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

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

14 (d) The provisions of 42 Pa.C.S. § 8331.2 (relating to good
15 Samaritan civil immunity for use of automated external
16 defibrillator) shall apply to school entity, nonpublic school or
17 private school employees who render care with an AED.

18 (e) From money appropriated for the purposes under this
19 section, the department may assist school entities, nonpublic
20 schools and private schools that are not equipped with AEDs by
21 providing a discount from the contract bid price obtained under
22 subsection (b) or by providing AEDs obtained under subsection
23 (b).

24 (f) The purchase of AEDs shall be considered an allowable
25 use of Pennsylvania Accountability Grants under section
26 2599.2(b).

27 (g) The purchase of AEDs shall be considered an innovative
28 educational program under Article XX-B.

29 (h) The purchase of AEDs shall be considered an eligible
30 school safety and security expense in section 1306-B(j).

1 (i) The department may accept donations, including donations
2 of equipment, for use in providing CPR and AED instruction to
3 students, employes and volunteers at school entities, nonpublic
4 schools and private schools. The following apply:

5 (1) The department shall geographically distribute any
6 donations to school entities, nonpublic schools and private
7 schools for the purpose of CPR and AED instruction under section
8 1423.1.

9 (2) A school entity, nonpublic school or private school may
10 accept from the department donations received under this
11 subsection for use in providing instruction to students, school
12 employes and volunteers in the principles and techniques of CPR
13 and operating an AED. A school entity, nonpublic school or
14 private school may accept other donations, including donations
15 of equipment, for use in providing the instruction.

16 (3) To the extent that resources are available to a school
17 entity, nonpublic school or private school under this section,
18 the school entity, nonpublic school or private school may make
19 available instruction to students in the principles and
20 techniques of CPR and operating an AED.

21 (4) A school entity, nonpublic school or private school may
22 use resources other than those made available under this section
23 to make available instruction to students, school employes and
24 volunteers in the principles and techniques of CPR and operating
25 an AED.

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

28 (k) The General Assembly may appropriate money to carry out
29 the provisions of this section.

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

1 shall have the meanings given to them in this subsection unless
2 the context clearly indicates otherwise:

3 "Automated external defibrillator" or "AED" means as defined
4 in section 1423.1.

5 "CPR" means cardiopulmonary resuscitation.

6 "Department" means as defined in section 1423.1.

7 "Nonpublic school" means as defined in section 1423.1.

8 "Private school" means as defined in section 1423.1.

9 "Program" means the Automated External Defibrillator Program
10 established under this section.

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

15 "School entity" means as defined in section 1423.1.

16 Section 1423.3. Availability and Specifications of Automated
17 External Defibrillators.--(a) Each school entity, nonpublic
18 school and private school shall have at least one automated
19 external defibrillator in each school building of the school
20 entity, nonpublic school or private school at all times during
21 the school day.

22 (b) Each school entity, nonpublic school or private school
23 shall make available an AED and at least one employe of the
24 school entity, nonpublic school or private school who is trained
25 and certified under section 1423.1 at each athletic activity.
26 The presence of emergency services personnel shall fulfill this
27 requirement.

28 (b.1) The Department of Education, in consultation with the
29 Pennsylvania Interscholastic Athletic Association, shall develop
30 guidelines for the availability of AEDs at athletic activities

1 which shall specify that an AED need not be physically present
2 in the immediate vicinity of every ongoing athletic activity,
3 but must be readily available and accessible at the location of
4 the athletic activity.

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 employees;
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 employees.

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 entity, nonpublic school or
15 private school employees who render care with an AED.

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

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

26 "Athletic activity" means as defined in section 1425(h).

27 "Automated external defibrillator" or "AED" means as defined
28 in section 1423.1.

29 "Emergency services personnel" means any of the following:

30 (1) An emergency medical responder.

- 1 (2) An emergency medical technician.
- 2 (3) An advanced emergency medical technician.
- 3 (4) A paramedic.
- 4 (5) A prehospital registered nurse.
- 5 (6) A prehospital physician extender.
- 6 (7) A prehospital emergency medical services physician.
- 7 (8) An individual prescribed by regulations of the
8 Department of Health to provide specialized emergency medical
9 services.

10 "Nonpublic school" means as defined in section 1423.1.

11 "Private school" means as defined in section 1423.1.

12 "School building" means as defined in section 1423.1.

13 "School day" means as defined in section 1423.1.

14 "School entity" means as defined in section 1423.1.

15 ~~Section 1426. Sudden Cardiac Event Emergency Action Plan for <--~~
16 ~~Athletic Activities. (a) Beginning with the 2023-2024 school-~~
17 ~~year, each school entity and nonpublic school shall establish~~
18 ~~and implement a sudden cardiac event emergency action plan for~~
19 ~~responding to a sudden cardiac event at an athletic activity,~~
20 ~~including an event in which the use of an automated external~~
21 ~~defibrillator may be necessary. The plan shall be consistent~~
22 ~~with the provisions of section 1423 and include the following,~~
23 ~~at a minimum:~~

24 ~~(1) A cardiac emergency response team list, comprised of~~
25 ~~individuals who have current cardiopulmonary~~
26 ~~resuscitation/automated external defibrillator certification.~~
27 ~~The list shall include school nurses, coaches and at least five~~
28 ~~other full time school personnel. The list shall be updated once~~
29 ~~a year.~~

30 ~~(2) Detailed procedures on responding to a sudden cardiac~~

1 ~~event which shall include the identification of school personnel~~
2 ~~who shall be responsible for all of the following:~~

3 ~~(i) Responding to an individual experiencing a sudden~~
4 ~~cardiac event.~~

5 ~~(ii) Contacting 911 and providing a copy of the plan to~~
6 ~~local emergency response and dispatch agencies and assisting~~
7 ~~emergency responders in reaching the individual experiencing a~~
8 ~~sudden cardiac event.~~

9 ~~(iii) Starting cardiopulmonary resuscitation.~~

10 ~~(iv) Retrieving and using the automated external~~
11 ~~defibrillator.~~

12 ~~(v) Placement and maintenance of automated external~~
13 ~~defibrillators, including the recommended number of automated~~
14 ~~external defibrillators inside a school building, outside a~~
15 ~~school building and backups that shall be held in reserve for~~
16 ~~use as replacements for an automated external defibrillator~~
17 ~~which may be out of service.~~

18 ~~(vi) Conducting an annual review and evaluation of the plan,~~
19 ~~including comparing the plan to updated recommendations from the~~
20 ~~American Heart Association. The annual review and evaluation~~
21 ~~shall be conducted by the school entity's or nonpublic school's~~
22 ~~administrative staff.~~

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

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

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 entity" means an area career and technical school, a~~
6 ~~charter school, a cyber charter school, an intermediate unit or~~
7 ~~a school district.~~

8 Section 3. School entities, nonpublic schools and private
9 schools shall comply with the addition of sections 1423.1,
10 1423.2, ~~1423.3~~ and ~~1426~~ AND 1423.3 of the act no later than <--
11 three years after the effective date of this section.

12 Section 4. This act shall take effect immediately.