

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 755 Session of 2023

INTRODUCED BY BONNER, GILLEN, JAMES, JOZWIAK, MOUL, SCIALABBA AND ZIMMERMAN, MARCH 28, 2023

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 3, 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 school health services, providing
6 for portable airway clearance devices.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1426. Portable Airway Clearance Devices.--(a)
13 Beginning with the school year ~~2023-2024~~ 2024-2025 and each <--
14 school year thereafter, each school entity shall provide at
15 least one portable airway clearance device in each of the school
16 entity's cafeterias and in or outside of the office of the
17 school nurse. Each device shall be placed in an unlocked and
18 easily accessible location during the school day. The location
19 of each device shall have an appropriate identifying sign.

1 (b) Each school entity shall develop guidelines for the use
2 of a portable airway clearance device which shall include a
3 requirement that, at a minimum, each school nurse employed by
4 the school entity and each employe of the school entity who is
5 assigned to work in the cafeteria while students are present as
6 part of the employe's duties receive training in airway
7 management and in the removal of an obstruction from the airway
8 using a portable airway clearance device. The guidelines shall:

9 (1) Require that all employes be notified of the location of
10 the devices.

11 (2) Require that instructions for use be stored with the
12 device.

13 (3) Require that the training be made available to any other
14 school employe who chooses to receive it. The training may be
15 included in an in-service program provided by the school entity
16 and may consist of watching a video.

17 (4) Be made available on the school entity's publicly
18 accessible Internet website.

19 (c) A school entity may seek Federal funding or other
20 sources of funding to comply with the requirements of this
21 section.

22 (d) Within sixty (60) days of the effective date of this
23 section, the Department of Education in consultation with the
24 Department of Health shall provide technical assistance and
25 resources and publish information on the Department of
26 Education's publicly accessible Internet website regarding the
27 use of a portable airway clearance device by an employe,
28 including:

29 (1) Proper use of a device.

30 (2) Recognition of the signs and symptoms of choking.

1 (3) Requirements for proper access and storage of a portable
2 airway clearance device.

3 (4) Notification of appropriate persons following use of a
4 portable airway clearance device.

5 (e) Nothing in this section shall be construed to create,
6 establish or expand any civil liability on the part of any
7 school entity or school entity employee. The provisions of 42
8 Pa.C.S. §§ 8332 (relating to emergency response provider and
9 bystander good Samaritan civil immunity) and 8337.1 (relating to
10 civil immunity of school officers or employees relating to
11 emergency care, first aid and rescue) shall apply to a school
12 entity employe who administers a portable airway clearance
13 device in a manner consistent with the guidelines adopted by the
14 school entity under subsection (b).

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

18 "Portable airway clearance device" or "device" means a
19 portable medical device that uses manually created suction to
20 remove a blockage from the airway during a choking emergency and
21 has been classified as a Class II non-powered suction apparatus
22 device under 21 CFR 878.4683 (relating to non-powered suction
23 apparatus device intended for negative pressure wound therapy).

24 "School entity" means a school district, intermediate unit,
25 area career and technical school, charter school, cyber charter
26 school or regional charter school.

27 Section 2. This act shall take effect immediately.