
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 512 Session of
2023

INTRODUCED BY MUTH, HAYWOOD, SCHWANK, HUGHES, PENNYCUICK,
FONTANA, CAPPELLETTI, DILLON, TARTAGLIONE, BARTOLOTTA,
COMITTA, COSTA, REGAN, KANE, SAVAL, KEARNEY, L. WILLIAMS,
STREET AND A. WILLIAMS, MARCH 14, 2023

REFERRED TO EDUCATION, MARCH 14, 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 grounds and buildings, providing
6 for automated external defibrillator placement, inspection,
7 maintenance and plan; in school health services, further
8 providing for automatic external defibrillators; and, in
9 charter schools, further providing for provisions applicable
10 to charter schools and for applicability of other provisions
11 of this act and of other acts and regulations.

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

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

17 Section 743. Automated External Defibrillator Placement,
18 Inspection, Maintenance and Plan.--(a) Beginning in the 2023-
19 2024 school year and each school year thereafter, each school
20 building or facility where children in kindergarten through
21 grade twelve attend school or participate in school-sponsored

1 activities shall have at least one automated external
2 defibrillator system placed in a central location that is
3 accessible for use. A school entity shall place an automated
4 external defibrillator:

5 (1) with appropriate signage in accordance with best
6 practices and American Heart Association guidelines on the
7 effective date of this section, including three dimensional
8 signs and arrows, in plain view, leading to and beside the
9 automated external defibrillator;

10 (2) with instructions for the proper use of the automated
11 external defibrillator at the location of the automated external
12 defibrillator;

13 (3) in an accessible location during normal school hours and
14 any school-sponsored activities;

15 (4) in compliance with 42 U.S.C. Ch. 126 (relating to equal
16 opportunity for individuals with disabilities), including
17 placing the automated external defibrillator not more than
18 forty-eight (48) inches above the floor or ground; and

19 (5) in a location that is no more than one thousand (1,000)
20 feet in distance from a designated member of the cardiac
21 emergency response team under subsection (d) in the school
22 entity's protocol for access to the automated external
23 defibrillator.

24 (b) For an automated external defibrillator installed before
25 the effective date of this section, a school entity shall
26 register the automated external defibrillator within ten days of
27 the effective date of this section. For an automated external
28 defibrillator installed after the effective date of this
29 section, a school entity shall register the automated external
30 defibrillator immediately upon installation. The school entity

1 shall register the automated external defibrillator with the
2 following:

3 (1) The National AED Registry.

4 (2) The manufacturer of the automated external
5 defibrillator.

6 (3) Local emergency medical services.

7 (c) A school entity shall develop a schedule to inspect an
8 automated external defibrillator in each school building or
9 facility and a standard form for completion as a record of the
10 inspection. The following shall apply:

11 (1) The schedule to inspect shall require the cardiac
12 emergency response plan site coordinator under subsection (e) to
13 inspect the automated external defibrillator in accordance with
14 the manufacturer's guidelines and to visually determine if there
15 is obvious damage indicating that the automated external
16 defibrillator device or cabinet has been compromised. If the
17 inspection indicates that the automated external defibrillator
18 is nonoperational, the cardiac emergency response plan site
19 coordinator shall immediately do all of the following:

20 (i) Notify local emergency medical services, the school
21 building administrator, each cardiac emergency response team
22 member and the students, parents, teachers and staff located in
23 the school building or facility where the automated external
24 defibrillator is located.

25 (ii) Indicate with appropriate signage at the location of
26 the automated external defibrillator that the automated external
27 defibrillator is nonoperational.

28 (iii) Provide instructions with appropriate signage at the
29 location of the automated external defibrillator where the
30 closest operational automated external defibrillator is located.

1 (iv) Order replacement parts, request a loaner automated
2 external defibrillator and provide notice of the expected date
3 of restoration of the automated external defibrillator.

4 (2) The cardiac emergency response plan site coordinator
5 shall maintain a record of inspection for an automated external
6 defibrillator. The cardiac emergency response plan site
7 coordinator shall make the record of inspection available to the
8 public at the school entity building or facility where the
9 automated external defibrillator is located and post the record
10 of inspection on the school entity's publicly accessible
11 Internet website. The record of inspection shall include, at a
12 minimum, the date when maintenance last occurred or will occur
13 under section 1423(c)(2) and a notation of all of the following
14 data about the automated external defibrillator:

15 (i) The date of and location of purchase.

16 (ii) The serial number.

17 (iii) The warranty expiration date.

18 (iv) The pad, including the spare pad.

19 (v) The pad expiration date.

20 (vi) Whether the replacement of the pad occurred upon
21 inspection.

22 (vii) The battery expiration date.

23 (viii) The number of times the automated external
24 defibrillator was used since the last date of inspection.

25 (ix) Whether the automated external defibrillator is rescue
26 ready as indicated per the manufacturer's guidelines.

27 (x) Any damage observed or repaired during the inspection of
28 the automated external defibrillator or the automated external
29 defibrillator's case.

30 (d) A school entity shall develop a protocol for the use of

1 an automated external defibrillator by a trained or untrained
2 individual to address, at a minimum, the limitation of
3 liability when there is an absence of gross negligence or
4 willful or wanton misconduct that may arise in connection with a
5 good faith attempt of use or nonuse of the automated external
6 defibrillator. The following shall apply:

7 (1) The protocol shall include, at a minimum, the
8 development of a cardiac emergency response plan in accordance
9 with subsection (e) and the designation of a cardiac emergency
10 response team in each school building or facility where an
11 automated external defibrillator has been placed.

12 (2) The certified emergency response team shall be comprised
13 in accordance with the following:

14 (i) At least ten per centum (10%) of the school personnel
15 located in the same school building or facility as an automated
16 external defibrillator who are certified in cardiopulmonary
17 resuscitation and the use of an automated external defibrillator
18 shall be on the certified emergency response team. The members
19 shall attain and renew their certifications every two years
20 through the American Health Association, American Red Cross or
21 an equivalent course of instruction approved by the Department
22 of Health. The school entity shall document and make available
23 to the public a record of each member with the date certified,
24 and renewed if applicable, at the school entity building or
25 facility where each member is designated. The school entity
26 shall ensure that an employe certified to use an automated
27 external defibrillator is located in a school building or
28 facility when the school building or facility is in use for
29 educational purposes or school-sponsored activities.

30 (ii) At least fifteen per centum (15%) of the certified

1 emergency response team shall be school personnel.

2 (iii) Any other employe or person the school entity deems
3 essential to implement the cardiac emergency response plan,
4 provide insight to defects found in the cardiac emergency
5 response plan and respond to critical incidents related to
6 cardiac emergencies.

7 (e) A school entity shall establish a cardiac emergency
8 response plan and designate a cardiac emergency response plan
9 site coordinator. The following shall apply:

10 (1) The school entity shall establish the cardiac emergency
11 response plan in accordance with recommendations by the American
12 Health Association on the effective date of this section and
13 update the plan as the school entity deems necessary. The school
14 entity shall provide a copy of the cardiac emergency response
15 plan to the principal with a signed receipt and post the cardiac
16 emergency response plan on the school entity's publicly
17 accessible Internet website.

18 (2) The cardiac emergency response plan site coordinator
19 shall assist the school entity with adapting to the school
20 entity's needs regarding the cardiac emergency response plan,
21 including a checklist of criteria and procedures. The cardiac
22 emergency response plan site coordinator shall also have the
23 following duties:

24 (i) Annually review the cardiac emergency response plan and
25 submit the findings of the review to the school entity.

26 (ii) Designate members of the cardiac emergency response
27 team in accordance with subsection (d).

28 (iii) Annually verify the certification of cardiac emergency
29 response team members and maintain a database of the certified
30 status of the members in accordance with subsection (d).

1 (iv) Provide cardiac emergency response team members with
2 information regarding the availability of courses for obtaining
3 or maintaining certified status in accordance with subsection
4 (d).

5 (v) Plan and schedule a cardiac emergency response drill for
6 the cardiac emergency response team members at least once during
7 the school year. The drill for cardiac emergency response team
8 members shall adhere to the plan and can be scheduled during
9 instructional or professional development time.

10 (vi) Prepare and submit to the school entity a summary with
11 recommendations after each cardiac emergency response drill.

12 (vii) Perform inspections and reports as required under this
13 section.

14 (viii) Maintain records, reports or summary and findings
15 required under this section.

16 (f) Nothing in this section shall be construed to prohibit a
17 school entity from placing more than one automated external
18 defibrillator in a school building or facility.

19 (g) If a school building or facility is not required to have
20 an automated external defibrillator and the school entity does
21 not place an automated external defibrillator on every floor of
22 the school building or facility, but has at least one automated
23 external defibrillator centrally located, the school entity
24 shall ensure that the building, facility or floor without an
25 automated external defibrillator has clear and visible signage
26 and directional arrows to the location of the automated external
27 defibrillator in a separate building, facility or floor.

28 (h) As used in this section, the following words and phrases
29 shall have the meanings given to them in this subsection:

30 "Athletic activity." Any of the following:

1 (1) Interscholastic athletics as defined in section 1602-A.

2 (2) An athletic contest or competition, other than
3 interscholastic athletics, that is sponsored by or associated
4 with a school entity, including cheerleading, club-sponsored
5 sports activities or sports activities sponsored by school-
6 affiliated organizations.

7 (3) Noncompetitive cheerleading that is sponsored by or
8 associated with a school entity.

9 (4) Practices, interschool practices and scrimmages for an
10 activity listed under clause (1), (2) or (3).

11 "Automated external defibrillator." As defined in section
12 1423(1).

13 "Automated external defibrillator system." An automated
14 external defibrillator and accessories necessary for the
15 automated external defibrillator to detect and interpret an
16 electrocardiogram and deliver an electrical shock, including,
17 but not limited to, a battery, pad electrode, adapter and
18 hardware key for pediatric use.

19 "School building or facility." A building or facility owned
20 by or under the control of a school entity or, in the case of a
21 cyber charter school at each location under its jurisdiction,
22 where classes are taught or extracurricular activities are
23 conducted on a regular basis.

24 "School entity." A school district, intermediate unit, area
25 career and technical school, charter school, cyber charter
26 school, regional charter school or multiple charter school
27 organization.

28 "School-sponsored activities." Assemblies, graduation
29 ceremonies, athletic activities, extracurricular activities,
30 clubs, groups, teams or any activities sponsored, held or

1 approved by the school entity whether held during normal school
2 hours or otherwise.

3 Section 2. Section 1423 heading, (a), (b), (c)(1) and (3),
4 (d), (g), (g.1), (g.2), (i), (i.1), (i.2), (j) and (l) of the
5 act are amended and the section is amended by adding a
6 subsection to read:

7 Section 1423. [Automatic] Automated External
8 Defibrillators.--(a) The department shall establish an
9 [automatic] automated external defibrillator program to assist
10 school entities and nonpublic schools in making [automatic]
11 automated external defibrillators available in school buildings
12 or facilities.

13 (b) On a biennial basis, the department, in consultation
14 with the Department of General Services and the Department of
15 Health, shall issue an invitation to bid for the cost of
16 [automatic] automated external defibrillators and other
17 equipment and supplies necessary for the proper operation of the
18 device. The department shall accept the bid of the lowest
19 responsible bidder and permit any school entity or nonpublic
20 school to purchase the devices at the contract bid price. The
21 department may purchase [automatic] automated external
22 defibrillators from any funds appropriated pursuant to
23 subsection (k) and, in the absence of funds appropriated
24 pursuant to subsection (k), from funds appropriated to the
25 department for distribution to school entities and nonpublic
26 schools.

27 (c) To be eligible to obtain or purchase [automatic]
28 automated external defibrillators under the program a school
29 entity or nonpublic school must:

30 (1) Assure that [two (2) or more persons] at least ten per

1 centum (10%) of the school personnel assigned to the location
2 where the [automatic] automated external defibrillator will be
3 primarily housed are trained as required in subsection (d).

4 * * *

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

7 * * *

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

14 * * *

15 (g) From funds appropriated for this purpose, or in the
16 absence of funds appropriated for this purpose, from funds
17 appropriated to the department, the department may assist school
18 entities and nonpublic schools that are not equipped with
19 [automatic] automated external defibrillators by providing a
20 discount from the contract bid price obtained under subsection
21 (b) or by providing [automatic] automated external
22 defibrillators obtained under subsection (b).

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

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

30 * * *

1 (i) The following shall apply:

2 (1) Not later than June 30, 2014, and each year thereafter
3 through the 2022-2023 school year, each school entity shall make
4 a report to the department detailing the number, condition, age
5 and placement of [automatic] automated external defibrillators
6 in each school building. [After the initial report is made, a
7 school entity may report this information as part of the annual
8 report required by the Commonwealth under section 2505.1 to
9 receive State reimbursement for health services.]

10 (2) Within three months of the effective date of this
11 paragraph, and in each year a school entity removes or obtains
12 an automated external defibrillator, the school entity shall
13 make a report on a form developed by the department under
14 subsection (j), to the department detailing the automated
15 external defibrillators in each school building or facility. The
16 report shall include the following information:

17 (i) The serial number.

18 (ii) The date of purchase.

19 (iii) The date of warranty expiration.

20 (iv) The date of battery expiration.

21 (v) The date of pads expiration.

22 (vi) The precise location with identifying physical
23 attribute markers in the vicinity.

24 (vii) The total number of automated external defibrillators
25 at the school entity.

26 (3) Beginning with the 2023-2024 school year and each school
27 year thereafter, a school entity shall make an annual report to
28 the department with any data or information deemed necessary by
29 the department, including the following:

30 (i) The total number of automated external defibrillators at

1 the school entity.

2 (ii) The number of school buildings or facilities of the
3 school entity that are equipped with automated external
4 defibrillators.

5 (iii) The number of school buildings or facilities of the
6 school entity that are not equipped with automated external
7 defibrillators and an explanation for noncompliance with section
8 743.

9 (iv) The number of school personnel certified to use an
10 automated external defibrillator by the school entity.

11 (v) The number of inspections conducted and findings by the
12 school entity under section 743.

13 (vi) The expiration date of the warranty provided by the
14 manufacturer of each automated external defibrillator used by
15 the school entity.

16 (vii) The expiration date of each automated external
17 defibrillator battery and pads.

18 (viii) The number of times each automated external
19 defibrillator was used for its intended purpose by the school
20 entity.

21 (ix) The precise location of each automated external
22 defibrillator with identifying physical attribute markers in the
23 vicinity.

24 (4) After the initial report to the department is made, a
25 school entity may report the information required under this
26 subsection as part of the annual report required by the
27 Commonwealth to receive State reimbursement for health services
28 under section 2505.1.

29 (i.1) A nonpublic school that participates in the
30 [automatic] automated external defibrillator program under

1 subsection (b) or (g) shall be subject to the reporting required
2 under subsection (i).

3 (i.2) The department shall annually publish a report on its
4 publicly accessible Internet website no later than December 31,
5 2014, and each year thereafter. The report shall contain the
6 following information:

7 (1) The total number of [automatic] automated external
8 defibrillators [by] at the school entity [and] or nonpublic
9 school.

10 (2) The number of school buildings and facilities by the
11 school entity [and] or nonpublic school that are equipped with
12 [automatic] automated external defibrillators.

13 (3) The number of school buildings and facilities by the
14 school entity [and] or nonpublic school that are not equipped
15 with [automatic] automated external defibrillators.

16 (4) The number of school personnel trained to use automated
17 external defibrillators by the school entity or nonpublic
18 school.

19 (5) The number of inspections conducted and findings by the
20 school entity or nonpublic school required under section 743.

21 (6) The expiration date of the warranty provided by the
22 manufacturer of each automated external defibrillator used by
23 the school entity or nonpublic school.

24 (7) The expiration date of each automated external
25 defibrillator battery and pads.

26 (8) The number of times each automated external
27 defibrillator was used for its intended purpose by the school
28 entity or nonpublic school.

29 (9) The precise location each automated external
30 defibrillator with identifying physical attribute markers in the

1 vicinity.

2 (10) Any other information required by the department.

3 [(j) The department may adopt guidelines as necessary to
4 administer this section.]

5 (j.1) Within six months of the effective date of this
6 subsection, the department shall develop a standardized form or
7 use a form developed by the National AED Registry for a school
8 entity to complete for the purpose of submitting to the
9 department data and information required under this section,
10 test schedules, inspections and test findings required under
11 section 743 for each automated external defibrillator placed in
12 the school entity's school buildings or facilities and any other
13 data and information deemed necessary by the department. The
14 department shall, in consultation with the Department of Health,
15 adopt guidelines based on best practices and industry standards
16 relating to automated external defibrillator use and programs
17 and any other necessary guidelines to administer this section.
18 The guidelines shall be posted on the department's publicly
19 accessible Internet website and shall be provided to a school
20 entity or nonpublic school on request.

21 * * *

22 (1) As used in this section--

23 ["Automatic] "Automated external defibrillator" means a
24 portable device that uses electric shock to restore a stable
25 heart rhythm to an individual in cardiac arrest.

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

28 "Nonpublic school" means a nonprofit school, other than a
29 public school within this Commonwealth, wherein a resident of
30 this Commonwealth may legally fulfill the compulsory school

1 attendance requirements of this act and which meets the
2 applicable requirements of Title VI of the Civil Rights Act of
3 1964 (Public Law 88-352, 78 Stat. 241).

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

8 "School building or facility" means a building or facility
9 owned by or under the control of a school entity or nonpublic
10 school where classes are taught or school-sponsored activities,
11 athletic or otherwise, are conducted on a regular basis,
12 including a field used for organized athletic events or
13 competitions.

14 "School-sponsored activities" means assemblies, graduation
15 ceremonies, athletics, extracurricular activities, clubs,
16 groups, teams or any activities sponsored, held or approved by
17 the school entity or nonpublic school, whether held during
18 normal school hours or otherwise.

19 "School entity" means an area career and technical school, a
20 charter school, a cyber charter school, an intermediate unit or
21 a school district.

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

24 Section 3. Sections 1732-A(a) and 1749-A(a)(1) of the act
25 are amended to read:

26 Section 1732-A. Provisions Applicable to Charter Schools.--

27 (a) Charter schools shall be subject to the following:

28 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
29 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 743, 752, 753,
30 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301,

1 1310, 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329,
2 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517,
3 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article
4 XIV.

5 Act of July 17, 1961 (P.L.776, No.341), known as the
6 "Pennsylvania Fair Educational Opportunities Act."

7 Act of July 19, 1965 (P.L.215, No.116), entitled "An act
8 providing for the use of eye protective devices by persons
9 engaged in hazardous activities or exposed to known dangers in
10 schools, colleges and universities."

11 Section 4 of the act of January 25, 1966 (1965 P.L.1546,
12 No.541), entitled "An act providing scholarships and providing
13 funds to secure Federal funds for qualified students of the
14 Commonwealth of Pennsylvania who need financial assistance to
15 attend postsecondary institutions of higher learning, making an
16 appropriation, and providing for the administration of this
17 act."

18 Act of July 12, 1972 (P.L.765, No.181), entitled "An act
19 relating to drugs and alcohol and their abuse, providing for
20 projects and programs and grants to educational agencies, other
21 public or private agencies, institutions or organizations."

22 Act of December 15, 1986 (P.L.1595, No.175), known as the
23 "Antihazing Law."

24 * * *

25 Section 1749-A. Applicability of other provisions of this act
26 and of other acts and regulations.

27 (a) General requirements.--Cyber charter schools shall be
28 subject to the following:

29 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
30 436, 443, 510, 518, 527, 708, 743, 752, 753, 755, 771, 776,

1 777, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2,
2 1301, 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329,
3 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1518, 1521,
4 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A,
5 1716.1-A, 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A,
6 1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a) (1) and (b) and
7 2014-A and Articles XII-A, XIII-A and XIV.

8 * * *

9 Section 4. This act shall take effect in 60 days.