

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 606 Session of 2013

INTRODUCED BY DINNIMAN, RAFFERTY, TEPLITZ, SCHWANK, BAKER, KASUNIC, FARNESE, FONTANA, ERICKSON, LEACH, BREWSTER, BRUBAKER, COSTA, WASHINGTON, GREENLEAF, TARTAGLIONE, SOLOBAY, PILEGGI, FERLO AND WILLIAMS, MARCH 1, 2013

SENATOR FOLMER, EDUCATION, AS AMENDED, JUNE 11, 2013

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, further
6 providing for automatic external defibrillators.

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

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

12 ~~Section 1423. Automatic External Defibrillators. [(a) For <--~~
13 ~~the fiscal year 2001 2002, the department shall establish a one-~~
14 ~~time automatic external defibrillator program to assist school-~~
15 ~~entities in acquiring automatic external defibrillators.]~~

16 ~~(a.1) Each school entity shall provide for and maintain an~~
17 ~~automatic external defibrillator in each instructional school~~
18 ~~building for use during emergencies.~~

19 ~~(a.2) (1) The department shall establish an automatic~~

1 ~~external defibrillator program to assist school entities and~~  
2 ~~nonpublic schools in acquiring automatic external~~  
3 ~~defibrillators.~~

4 ~~(2) A school entity or a nonpublic school shall notify the~~  
5 ~~department in the manner specified by the department that it~~  
6 ~~elects to participate in the program established by this~~  
7 ~~subsection.~~

8 ~~(3) No school entity or nonpublic school shall be required~~  
9 ~~to participate in the automatic external defibrillator program.~~

10 ~~(b) (1) The department, in consultation with the Department~~  
11 ~~of General Services, shall issue an invitation to bid for the~~  
12 ~~cost of automatic external defibrillators. The department shall~~  
13 ~~accept the bid of the lowest responsible bidder and permit any~~  
14 ~~school entity or nonpublic school participating in the program~~  
15 ~~to purchase the devices at the contract bid price in numbers~~  
16 ~~sufficient to provide for one device in each instructional~~  
17 ~~school building that does not currently have an operational~~  
18 ~~device.~~

19 ~~(2) The department shall credit the amount provided under~~  
20 ~~subsection (i.3) to permit school entities participating in the~~  
21 ~~program to purchase devices at a price below the contract bid~~  
22 ~~price.~~

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

25 ~~(1) Assure that two (2) or more [persons] school employes~~  
26 ~~assigned to the location where the automatic external~~  
27 ~~defibrillator will be [primarily housed] located are trained as~~  
28 ~~required in subsection (d) and that one of the trained school~~  
29 ~~employes shall be available at all school sponsored activities~~  
30 ~~conducted after regular school hours in the instructional school~~

1 ~~building and on school grounds.~~

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

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

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

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

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

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

23 ~~{(g) From funds appropriated for this purpose, the~~  
24 ~~department, upon request, shall provide: up to two (2) automatic~~  
25 ~~external defibrillators to each school district; one (1)~~  
26 ~~automatic external defibrillator to each intermediate unit; and~~  
27 ~~one (1) automatic external defibrillator to each area~~  
28 ~~vocational technical school.~~

29 ~~(h) No school entity shall be required to participate in the~~  
30 ~~automatic external defibrillator program.~~

1 ~~(i) No later than June 30, 2002, the secretary shall submit~~  
2 ~~a report to the General Assembly describing the effectiveness of~~  
3 ~~this section in outfitting the Commonwealth's school entities~~  
4 ~~with automatic external defibrillators.]~~

5 ~~(i.1) The department, upon request, shall permit each school~~  
6 ~~entity and nonpublic school to participate in the program.~~

7 ~~(i.2) The department shall enforce the provisions of this~~  
8 ~~section.~~

9 ~~(i.3) (i) The sum of three million dollars (\$3,000,000) is~~  
10 ~~appropriated to the department from the Tobacco Settlement Fund~~  
11 ~~established in section 303(a) of the act of June 26, 2001~~  
12 ~~(P.L.755, No.77), known as the Tobacco Settlement Act, to assist~~  
13 ~~school entities participating in the program to purchase~~  
14 ~~automatic external defibrillators as provided in this section.~~

15 ~~(ii) The department shall use the appropriation to reduce~~  
16 ~~the per unit purchase price of an automatic external~~  
17 ~~defibrillator purchased by a school entity below the contract~~  
18 ~~bid price.~~

19 ~~(iii) Of the amount appropriated in subparagraph (i), two~~  
20 ~~million eight hundred seventy three thousand eight hundred~~  
21 ~~dollars (\$2,873,800) shall be allocated to participating school~~  
22 ~~districts in the same percentage as the school district received~~  
23 ~~for basic education funding in the prior school year. Any funds~~  
24 ~~remaining under this paragraph following the completion of the~~  
25 ~~initial allocation under this subparagraph and any funds~~  
26 ~~received from under subparagraph (vii) shall be allocated to~~  
27 ~~participating school districts on a pro rata basis.~~

28 ~~(iv) Of the amount appropriated in subparagraph (i), twenty~~  
29 ~~two thousand four hundred dollars (\$22,400) shall be apportioned~~  
30 ~~to participating intermediate units in a percentage equal to the~~

1 ~~sum of all percentages of basic education funding received in~~  
2 ~~the prior school year by each school district served by the~~  
3 ~~participating intermediate unit.~~

4 ~~(v) Of the amount appropriated in subparagraph (i), thirty~~  
5 ~~one thousand three hundred dollars (\$31,300) shall be allocated~~  
6 ~~to participating area vocational technical schools on a pro rata~~  
7 ~~basis, provided that no apportionment to a participating area~~  
8 ~~vocational technical school shall exceed a total amount that is~~  
9 ~~equivalent to four hundred fifty dollars (\$450) per unit.~~

10 ~~(vi) Of the amount appropriated in subparagraph (i), sixty~~  
11 ~~eight thousand dollars (\$68,000) shall be allocated to~~  
12 ~~participating charter schools on a pro rata basis, provided that~~  
13 ~~no apportionment to a participating charter school shall exceed~~  
14 ~~a total amount that is equivalent to four hundred fifty dollars~~  
15 ~~(\$450) per unit.~~

16 ~~(vii) Of the amount appropriated in subparagraph (i), Four~~  
17 ~~thousand five hundred dollars (\$4,500) shall be allocated to~~  
18 ~~participating cyber charter schools on a pro rata basis,~~  
19 ~~provided that no apportionment to a participating cyber charter~~  
20 ~~school shall exceed a total amount that is equivalent to four~~  
21 ~~hundred fifty dollars (\$450) per unit.~~

22 ~~(viii) Any funds remaining in subparagraphs (iii), (iv), (v)~~  
23 ~~or (vi) following the allocation under those subparagraphs shall~~  
24 ~~be reallocated to participating school districts as provided~~  
25 ~~under subparagraph (ii).~~

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

28 ~~(k) As used in this section—~~

29 ~~"Automatic external defibrillator" means a portable device~~  
30 ~~that uses electric shock to restore a stable heart rhythm to an~~

1 ~~individual in cardiac arrest.~~

2 ~~"Department" means the Department of Education of the~~  
3 ~~Commonwealth.~~

4 ~~"School entity" means an area vocational technical school, a~~  
5 ~~charter school, an intermediate unit, a nonpublic school or a~~  
6 ~~school district.~~

7 ~~"Secretary" means the Secretary of Education of the~~  
8 ~~Commonwealth.~~

9 SECTION 1423. AUTOMATIC EXTERNAL [DEFIBRILLATORS]

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10 DEFIBRILLATOR GRANT PROGRAM.--(A) FOR THE FISCAL YEAR [2001-  
11 2002] 2013-2014, THE DEPARTMENT SHALL ESTABLISH [A ONE-TIME] AN  
12 AUTOMATIC EXTERNAL DEFIBRILLATOR GRANT PROGRAM TO ASSIST SCHOOL  
13 ENTITIES IN ACQUIRING AUTOMATIC EXTERNAL DEFIBRILLATORS.

14 (B) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF  
15 GENERAL SERVICES, SHALL ISSUE AN INVITATION TO BID FOR THE COST  
16 OF AUTOMATIC EXTERNAL DEFIBRILLATORS. THE DEPARTMENT SHALL  
17 ACCEPT THE BID OF THE LOWEST RESPONSIBLE BIDDER AND PERMIT ANY  
18 SCHOOL ENTITY TO PURCHASE THE DEVICES AT THE CONTRACT BID PRICE.

19 (C) TO BE ELIGIBLE TO OBTAIN OR PURCHASE AUTOMATIC EXTERNAL  
20 DEFIBRILLATORS UNDER THE PROGRAM A SCHOOL ENTITY MUST:

21 (1) ASSURE THAT TWO (2) OR MORE PERSONS ASSIGNED TO THE  
22 LOCATION WHERE THE AUTOMATIC EXTERNAL DEFIBRILLATOR WILL BE  
23 PRIMARILY HOUSED ARE TRAINED AS REQUIRED IN SUBSECTION (D).

24 (2) ENSURE THAT THE DEVICE WILL BE SECURED IN A SAFE AND  
25 READILY ACCESSIBLE LOCATION AND AGREE TO PROPERLY MAINTAIN AND  
26 TEST THE DEVICE ACCORDING TO THE MANUFACTURER'S OPERATIONAL  
27 GUIDELINES.

28 (3) SUBMIT A VALID PRESCRIPTION FOR THE DEVICE FROM A  
29 LICENSED MEDICAL PRACTITIONER IN THIS COMMONWEALTH.

30 (4) AGREE TO PROVIDE THE TRAINING REQUIRED BY SUBSECTION

1 (D) .

2 (D) SCHOOL PERSONNEL WHO ARE EXPECTED TO USE THE AUTOMATIC  
3 EXTERNAL DEFIBRILLATOR SHALL COMPLETE TRAINING IN  
4 CARDIOPULMONARY RESUSCITATION AND IN THE USE OF AN AUTOMATIC  
5 EXTERNAL DEFIBRILLATOR PROVIDED BY THE AMERICAN HEART  
6 ASSOCIATION, THE AMERICAN RED CROSS OR THROUGH AN EQUIVALENT  
7 COURSE OF INSTRUCTION APPROVED BY THE DEPARTMENT OF HEALTH.

8 (E) A SCHOOL ENTITY MAY INCLUDE THE TRAINING REQUIRED BY  
9 SUBSECTION (D) IN ITS CONTINUING PROFESSIONAL EDUCATION PLAN  
10 SUBMITTED TO THE DEPARTMENT UNDER SECTION 1205.1.

11 (F) THE PROVISIONS OF 42 PA.C.S. § 8331.2 (RELATING TO GOOD  
12 SAMARITAN CIVIL IMMUNITY FOR USE OF AUTOMATED EXTERNAL  
13 DEFIBRILLATOR) SHALL APPLY TO SCHOOL EMPLOYEES WHO RENDER CARE  
14 WITH AN AUTOMATIC EXTERNAL DEFIBRILLATOR.

15 (G) FROM FUNDS APPROPRIATED FOR THIS PURPOSE, THE  
16 DEPARTMENT, UPON REQUEST, SHALL PROVIDE: UP TO TWO (2) AUTOMATIC  
17 EXTERNAL DEFIBRILLATORS TO EACH SCHOOL DISTRICT; ONE (1)  
18 AUTOMATIC EXTERNAL DEFIBRILLATOR TO EACH INTERMEDIATE UNIT; AND  
19 ONE (1) AUTOMATIC EXTERNAL DEFIBRILLATOR TO EACH AREA  
20 VOCATIONAL-TECHNICAL SCHOOL.

21 (H) NO SCHOOL ENTITY SHALL BE REQUIRED TO PARTICIPATE IN THE  
22 AUTOMATIC EXTERNAL DEFIBRILLATOR PROGRAM.

23 [(I) NO LATER THAN JUNE 30, 2002, THE SECRETARY SHALL SUBMIT  
24 A REPORT TO THE GENERAL ASSEMBLY DESCRIBING THE EFFECTIVENESS OF  
25 THIS SECTION IN OUTFITTING THE COMMONWEALTH'S SCHOOL ENTITIES  
26 WITH AUTOMATIC EXTERNAL DEFIBRILLATORS.]

27 (I.1) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, FUNDS MAY  
28 BE APPROPRIATED TO THE DEPARTMENT FROM THE TOBACCO SETTLEMENT  
29 FUND ESTABLISHED IN SECTION 303(A) OF THE ACT OF JUNE 26, 2001  
30 (P.L.755, NO.77), KNOWN AS THE "TOBACCO SETTLEMENT ACT," FOR THE

1 PURPOSE OF ASSISTING SCHOOL ENTITIES WITH THE COST OF ACQUIRING  
2 AUTOMATIC EXTERNAL DEFIBRILLATORS AND TRAINING UNDER SUBSECTIONS  
3 (C) AND (D) OF THIS ACT.

4 (I.2) THE DEPARTMENT SHALL PRIORITIZE PARTICIPATION OF  
5 SCHOOL ENTITIES WITH THE HIGHEST AID RATIO AS DEFINED IN SECTION  
6 2501.

7 (J) THE DEPARTMENT MAY ADOPT GUIDELINES AS NECESSARY TO  
8 ADMINISTER THIS SECTION.

9 (K) AS USED IN THIS SECTION--

10 "AUTOMATIC EXTERNAL DEFIBRILLATOR" MEANS A PORTABLE DEVICE  
11 THAT USES ELECTRIC SHOCK TO RESTORE A STABLE HEART RHYTHM TO AN  
12 INDIVIDUAL IN CARDIAC ARREST.

13 "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION OF THE  
14 COMMONWEALTH.

15 "SCHOOL ENTITY" MEANS AN AREA VOCATIONAL-TECHNICAL SCHOOL, A  
16 CHARTER SCHOOL, A CYBER CHARTER SCHOOL, AN INTERMEDIATE UNIT, A  
17 NONPUBLIC SCHOOL OR A SCHOOL DISTRICT.

18 "SECRETARY" MEANS THE SECRETARY OF EDUCATION OF THE  
19 COMMONWEALTH.

20 SECTION 2. THIS AMENDATORY ACT SHALL BE KNOWN AS AIDAN'S  
21 LAW.

22 Section ~~2~~ 3. This act shall take effect in 60 days.

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