

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 AND SOLOBAY, MARCH 1, 2013

REFERRED TO EDUCATION, MARCH 1, 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] employees 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 employees 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 2. This act shall take effect in 60 days.