

AMENDED IN SENATE MARCH 16, 2011

AMENDED IN SENATE FEBRUARY 22, 2011

SENATE BILL

No. 63

Introduced by Senator Price

January 5, 2011

An act to add Section 49416 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 63, as amended, Price. Pupil and personnel health: automatic external defibrillators.

Existing law authorizes a school district or school to provide a comprehensive program in first aid or cardiopulmonary resuscitation training, or both, to pupils and employees, and requires the program to be developed using specified guidelines.

This bill would require a public school maintaining any of grades 9 to 12, inclusive, to acquire and maintain at least one automatic external defibrillator (AED) in a centralized location on campus and to ensure that an AED is available for use at a school-sponsored athletic event, as that term is defined, by July 1, 2012. The bill would require the school to ~~check the AED for readiness and maintain records of those~~ *ensure and maintain records of specified maintenance and readiness checks*, as prescribed. The bill would require the school to prepare a written emergency preparedness plan for use of an AED and to require all persons expected to administer an AED in an emergency to complete a ~~certified specified~~ *training course. The bill would provide that an employee and the school district are not liable for civil damages resulting from specified uses or nonuses of an AED, except as provided.* By placing additional duties on public schools to acquire and maintain

an AED as specified, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) According to the American Red Cross, sudden cardiac arrests
- 4 result in the death of approximately 250,000 persons per year in
- 5 the United States.
- 6 (b) Automatic external defibrillators (AEDs) are designed to
- 7 prevent sudden cardiac arrest deaths and access to AEDs would
- 8 drastically increase a person’s chances of survival.
- 9 (c) AEDs are extremely accurate, user-friendly computerized
- 10 devices with voice and audio prompts that guide the user through
- 11 the critical steps of operation.
- 12 (d) Early cardiopulmonary resuscitation (CPR) and rapid
- 13 defibrillation combined with early advanced care dramatically
- 14 increases survival rates for a witnessed cardiac arrest.
- 15 (e) Almost 95 percent of sudden cardiac arrest victims die before
- 16 they reach a hospital or obtain other emergency medical attention.
- 17 (f) In communities with strong public access defibrillation
- 18 programs, the sudden cardiac arrest survival rate, when
- 19 defibrillation and CPR are provided within the first three minutes,
- 20 is up to 75 percent.
- 21 (g) Increasing access to AEDs in public schools will save lives.
- 22 (h) More Americans die each year from sudden cardiac arrest
- 23 than from cancer and car accidents combined.
- 24 (i) California already requires health studios to acquire and
- 25 maintain, and train personnel in the use of, an AED.

1 (j) The federal government already requires commercial
2 airplanes to have an AED on board, and a sudden cardiac arrest
3 event is 30 times more likely to occur in a school than on an
4 airplane.

5 (k) On any given day, 20 percent of the population, both adults
6 and children, occupy our nation's schools according to the National
7 Athletic Trainers Association.

8 (l) An estimated 3,000 to 5,000 schoolaged children die each
9 year from sudden cardiac arrest. In the United States, one out of
10 every 100,000 to 300,000 high school athletes will die each year
11 from sudden cardiac arrest.

12 (m) The National Heart, Lung, and Blood Institute recently
13 published the findings of a renowned three-year study on public
14 access to defibrillation, which concluded that AEDs double the
15 chance of survival of a sudden cardiac arrest victim.

16 SEC. 2. Section 49416 is added to the Education Code, to read:

17 49416. (a) On or before July 1, 2012, a public school
18 maintaining any of grades 9 to 12, inclusive, shall do both of the
19 following:

20 (1) Acquire and maintain at least one automatic external
21 defibrillator (AED) in a centralized location on campus for the
22 purpose of preventing deaths resulting from sudden cardiac arrests
23 among pupils, faculty, and visitors.

24 (2) Ensure that an AED is available for use at a school-sponsored
25 athletic event.

26 (b) The school shall ~~check the AED~~ *ensure and maintain records*
27 *of both of the following:*

28 (1) *That the AED is maintained and regularly tested according*
29 *to the operation and maintenance guidelines set forth by the*
30 *manufacturer.*

31 (2) *That the AED is checked for readiness after each use and at*
32 *least once every 30 days if the AED has not been used during the*
33 *preceding 30 days. The school shall maintain records of these*
34 *checks.*

35 (c) The school shall prepare a written emergency preparedness
36 plan that describes the procedures to be followed in the event of
37 an emergency that may involve the use of an AED. The written
38 plan shall include, but not be limited to, immediate calling of the
39 emergency 911 telephone number.

1 (d) The school shall require all persons expected to administer
 2 an AED in an emergency to complete a ~~certified training course~~
 3 ~~for use of an AED~~ *training course in cardiopulmonary*
 4 *resuscitation and AED use that complies with the regulations*
 5 *adopted by the Emergency Medical Services Authority and the*
 6 *standards of the American Heart Association or the American Red*
 7 *Cross. A person may administer an AED at the discretion of the*
 8 *school.*

9 (e) (1) *An employee of a school district who renders emergency*
 10 *care or treatment is not liable for civil damages resulting from the*
 11 *use, attempted use, or nonuse of an AED, except as provided in*
 12 *paragraph (3).*

13 (2) *If an employee of a school district uses, attempts to use, or*
 14 *does not use an AED consistent with the requirements of this*
 15 *section, to render emergency care or treatment, the employee,*
 16 *school district, or both are not liable for civil damages resulting*
 17 *from any act or omission in rendering the emergency care or*
 18 *treatment, including the use or nonuse of an AED, except as*
 19 *provided in paragraph (3).*

20 (3) *Paragraphs (1) and (2) shall not apply in the case of*
 21 *personal injury or wrongful death that results from gross*
 22 *negligence or willful or wanton misconduct on the part of the*
 23 *person who uses, attempts to use, or maliciously fails to use an*
 24 *AED to render emergency care or treatment.*

25 (e)

26 (f) For purposes of this section, a “school-sponsored athletic
 27 event” means a school-sponsored extracurricular athletic activity,
 28 which includes practice for and competition in an interschool
 29 athletic sporting event held at any location, including a nonpublic
 30 school facility.

31 SEC. 3. If the Commission on State Mandates determines that
 32 this act contains costs mandated by the state, reimbursement to
 33 local agencies and school districts for those costs shall be made
 34 pursuant to Part 7 (commencing with Section 17500) of Division
 35 4 of Title 2 of the Government Code.