

AMENDED IN ASSEMBLY MAY 6, 2014

AMENDED IN ASSEMBLY APRIL 24, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2217

**Introduced by Assembly Member Melendez
(Coauthors: Assembly Members Buchanan and Hagman)**

February 20, 2014

An act to add Section 49417 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2217, as amended, Melendez. Pupil and personnel health: automated 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 state the intent of the Legislature to encourage all public schools to acquire and maintain at least one automated external defibrillator (AED). The bill would authorize a public school to solicit and receive nonstate funds to acquire and maintain an AED. The bill would provide that ~~the school district and~~ employees of the school district are not liable for civil damages resulting from certain uses, attempted uses, or nonuses of an AED, except as provided. *The bill would provide that a public school or school district that complies with certain requirements related to an AED is not liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment, as specified.*

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

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

1 SECTION 1. Section 49417 is added to the Education Code,
2 to read:
3 49417. (a) It is the intent of the Legislature to encourage all
4 public schools to acquire and maintain at least one automated
5 external defibrillator (AED).
6 (b) A public school may solicit and receive nonstate funds to
7 acquire and maintain an AED. These funds shall only be used to
8 acquire and maintain an AED and to provide training to school
9 employees regarding use of an AED.
10 (c) Except as provided in subdivision ~~(d)~~, (e), if an employee
11 of a school district complies with Section 1714.21 of the Civil
12 Code in rendering emergency care or treatment through the use,
13 attempted use, or nonuse of an AED at the scene of an emergency,
14 ~~the school district and~~ the employee shall not be liable for any civil
15 damages resulting from any act or omission in *the rendering of* the
16 emergency care or treatment.
17 (d) *If a public school or school district complies with the*
18 *requirements of Section 1797.196 of the Health and Safety Code,*
19 *the public school or school district shall be covered by Section*
20 *1714.21 of the Civil Code and shall not be liable for any civil*
21 *damages resulting from any act or omission in the rendering of*
22 *the emergency care or treatment.*
23 ~~(d)~~
24 (e) Subdivision (c) does not apply in the case of personal injury
25 or wrongful death that results from gross negligence or willful or
26 wanton misconduct on the part of the person who uses, attempts
27 to use, or maliciously fails to use an AED to render emergency
28 care or treatment.
29 ~~(e)~~
30 (f) This section does not alter the requirements of Section
31 1797.196 of the Health and Safety Code.

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