

AMENDED IN SENATE JULY 1, 2014
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 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: *except as provided.*

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 (e), if an employee of a
11 school district complies with Section 1714.21 of the Civil Code
12 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 employee shall not be liable for any civil damages resulting
15 from any act or omission in the rendering of the emergency care
16 or treatment.

17 (d) ~~If~~ *Except as provided in subdivision (e), if* a public school
18 or school district complies with the requirements of Section
19 1797.196 of the Health and Safety Code, the public school or
20 school district shall be covered by Section 1714.21 of the Civil
21 Code and shall not be liable for any civil damages resulting from
22 any act or omission in the rendering of the emergency care or
23 treatment.

24 (e) ~~Subdivision (e) does~~ *Subdivisions (c) and (d) do not* apply
25 in the case of personal injury or wrongful death that results from
26 gross negligence or willful or wanton misconduct on the part of
27 the person who uses, attempts to use, or maliciously fails to use
28 an AED to render emergency care or treatment.

29 (f) This section does not alter the requirements of Section
30 1797.196 of the Health and Safety Code.

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