
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 2009 **Hearing Date:** May 9, 2018
Author: Maienschein
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Urgency: No **Fiscal:** No
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Subject: Interscholastic athletic programs: school districts: written emergency action plans: automated external defibrillator.

NOTE: This bill has been referred to the Committees on Education, Judiciary, and Appropriations. A "do pass" motion should include referral to the Committee on Judiciary.

SUMMARY

This bill requires a school district or charter school elects to offer any interscholastic athletic program to ensure that there is a written emergency action plan in place and, commencing July 1, 2019, requires the school district or charter school acquire a sufficient number of automated external defibrillators (AEDs) for each school within the school district or the charter school.

BACKGROUND

Existing law:

- 1) Requires the governing board of each school district to ensure that all interscholastic policies, programs, and activities in its district are in compliance with state and federal law. (EC § 35179)
- 2) Requires each high school sports coach to complete a coaching education program developed by his or her school district or the California Interscholastic Federation that meets the guidelines set forth in the 1998 California High School Coaching Education and Training Program. (EC § 49032)
- 3) Authorizes a public school may solicit and receive nonstate funds to acquire and maintain an AED and requires those funds to only be used to acquire and maintain an AED and to provide training to school employees regarding use of an AED.
- 4) Exempts an employee of a school district from being liable for any civil damages resulting from any act or omission in rendering emergency care or treatment through the use, attempted use, or nonuse of an AED at the scene of an emergency if the employee complied with specified provisions of Civil Code relating to the use of AEDs in emergency care or treatment, except in the case of personal injury or wrongful death that results from gross negligence or willful or wanton misconduct on the part of employee. (EC § 49417)

- 5) Exempts a public school or school district from liability for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment involving automated external defibrillators (AEDs) if the public school or district complied with the requirements in the Health and Safety Code relating to AEDs, except in the case of personal injury or wrongful death that results from gross negligence or willful or wanton misconduct on the part of the person who uses, attempts to use, or maliciously fails to use an AED to render emergency care or treatment. (EC § 49417)
- 6) Encourages the governing board of a school district and the governing body of a charter school to provide to pupils general information on the use and importance of an AED. The physical presence of an AED in the classroom is not required. (EC § 51225.6)
- 7) Specifies that any person who, in good faith and not for compensation, renders emergency care or treatment by the use of an AED at the scene of an emergency is not liable for any civil damages resulting from any acts or omissions in rendering the emergency care, except in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment by the use of an AED. (Civil Code § 1714.21)
- 8) Specifies that a person or entity who provides CPR and AED training to a person who renders emergency care in good faith and not for compensation is not liable for any civil damages resulting from any acts or omissions of the person rendering the emergency care, except in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment by the use of an AED. (CIV § 1714.21)
- 9) Specifies that a person or entity that acquires an AED for emergency use is not liable for any civil damages resulting from any acts or omissions in the rendering of the emergency care by use of an AED if that person or entity has complied with specified provisions of the Health and Safety Code relating to AEDs, except in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment by the use of an AED. (CIV §1714.21)
- 10) Requires a person or entity that acquires an AED to do all of the following:
 - a) Comply with all regulations governing the placement of an AED.
 - b) Notify an agent of the local EMS agency of the existence, location, and type of AED acquired.
 - c) Ensure that the AED is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer.
 - d) Ensure that the AED is tested at least biannually and after each use.

- e) Ensure that an inspection is made of all automated external defibrillators (AEDs) on the premises at least every 90 days for potential issues related to operability of the device, including a blinking light or other obvious defect that may suggest tampering or that another problem has arisen with the functionality of the AED.
 - f) Ensure that records of the maintenance and testing required pursuant to this paragraph are maintained. (Health and Safety Code § 1797.196)
- 11) When an AED is placed in a building, requires the building owner to do all of the following:
- a) At least once a year, notify the tenants as to the location of the AED units and provide information to tenants about who they can contact if they want to voluntarily take AED or CPR training.
 - b) At least once a year, offer a demonstration to at least one person associated with the building so that the person can be walked through how to use an AED properly in an emergency. The building owner is authorized to arrange for the demonstration or partner with a nonprofit organization to do so.
 - c) Next to the AED, post instructions, in no less than 14-point type, on how to use the AED. (HSC § 1797.196)
- 12) When an AED is placed in a public or private K–12 school, requires the principal to do all of the following:
- a) Ensure that the school administrators and staff annually receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED.
 - b) Ensure that instructions, in no less than 14-point type, on how to use the AED are posted next to every AED.
 - c) At least annually, notify school employees as to the location of all AED units on the campus. (HSC § 1797.196)

ANALYSIS

This bill requires a school district or charter school elects to offer any interscholastic athletic program to ensure that there is a written emergency action plan in place and, commencing July 1, 2019, requires the school district or charter school acquire a sufficient number of AEDs for each school within the school district or the charter school. Specifically, this bill:

- 1) Requires the governing board of the school district or the governing body of the charter school, if the school district or charter school elects to offer any interscholastic athletic program, to ensure that there is a written emergency action plan in place that describes the location and procedures to be followed in

the event of sudden cardiac arrest and other medical emergencies related to the athletic program's activities or events.

- 2) Requires the written emergency action plan to be posted in compliance with the most recent pertinent guidelines of the National Federation of State High School Associations.
- 3) Commencing July 1, 2019, requires a school district or charter school, if the school district or charter school elects to offer any interscholastic athletic program, to:
 - a) Acquire a sufficient number of automated external defibrillators (AEDs) for each school within the school district or the charter school, depending on the size of the school and the number of athletic events offered, as applicable.
 - b) Ensure that the AED, or AEDs, are available for the purpose of rendering emergency care or treatment within three to five minutes of sudden cardiac arrest to pupils, spectators, and any other individuals in attendance at the athletic program's activities or events.
 - c) Ensure the AED or AEDs availability to athletic trainers and coaches and authorized persons at those activities or events.
- 4) Requires existing provisions of the Education Code (#4 above) to apply for the purposes of determining whether an employee of a school district is liable for any civil damages resulting from his or her use, attempted use, or nonuse of an AED in the rendering of emergency care or treatment.
- 5) Requires existing provisions of the Education Code (#5 above) to apply for the purposes of determining whether a public school or school district is liable for any civil damages resulting from any act or omission in the rendering of emergency care or treatment.
- 6) Specifies that an employee of a charter school who complies with existing provisions of the Civil Code (#7 above) in rendering emergency care or treatment through the use, attempted use, or nonuse of an AED at the scene of an emergency shall not be liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment.
- 7) Specifies that the protections from liability specified in #4 and #5 do not apply in the case of personal injury or wrongful death that results from gross negligence or willful or wanton misconduct on the part of the person who uses, attempts to use, or fails to use an AED to render emergency care or treatment.
- 8) Requires each school district or charter school that elects to offer any interscholastic athletic program, in order to ensure public safety, to ensure that its AED or AEDs are maintained and regularly tested according to the operation and maintenance guidelines set forth by the manufacturer, the American Heart Association, or the American Red Cross, and according to any applicable rules

and regulations set forth by the governmental authority under the federal Food and Drug Administration and any other applicable state and federal authority.

- 9) Specifies that its provisions do not alter existing requirements in the Health and Safety Code (#10, #11, and #12 above).

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Sudden Cardiac Arrest (SCA) is the most common cause of death among young athletes. The National Athletic Trainers’ Association (NATA) reported that 62 percent of cases involving sudden death in competitive athletes were due to SCA. An automated external defibrillator (AED) significantly increases an athlete’s chance of survival in the event of a SCA, with a 90 percent chance of survival if administered within the first minute of cardiac arrest. If an AED is not administered in the first 10 minutes, the chance of survival diminishes to less than five percent. These astounding statistics emphasize the importance of having AED’s readily available for student athletes in case of emergency. Although AED training is embedded within virtually all CPR courses, there are a significant number of schools in the state that do not have AED’s. By improving the safety measures of athletic programs across our state, countless student athlete lives will be saved.”
- 2) ***Sudden cardiac arrest (SCA).*** According to the National Heart, Lung, and Blood Institute, SCA is a condition in which the heart suddenly and unexpectedly stops beating. When this happens, blood stops flowing to the brain and other vital organs, and SCA usually causes death if it’s not treated within minutes. It is important to understand that SCA is not the same thing as a heart attack, which occurs when blood flow to the heart muscle is blocked. While people with heart disease are at a higher risk, SCA can occur in people who otherwise appear healthy and have no risk factors for SCA. Importantly, most people who have SCA die from it, but rapid treatment of SCA with an automated external defibrillator can save someone SCA by sending an electric shock to the heart to restore its normal rhythm.
- 3) ***Automated external defibrillators (AEDs).*** According to the National Heart, Lung, and Blood Institute, AEDs are portable devices that check a heart’s rhythm and can send an electric shock to the heart to try to restore a normal rhythm and are used to treat sudden cardiac arrest SCA. Additionally, AEDs are lightweight, battery-operated, portable devices that are easy to use, and each unit comes with instructions, and the device will even give you voice prompts to let you know if and when you should send a shock to the heart. Learning how to use an AED is helpful, but AEDs can be used by untrained people to help save lives.
- 4) ***California Interscholastic Federation (CIF) bylaw.*** CIF bylaw 22.B.(9) requires, as a condition of membership for schools, that all coaches, paid and unpaid, complete a coaching education program that includes a training component that includes “certification in CPR first aid, that included training in signs and symptoms of concussions and sudden cardiac arrest (SCA).”

- 5) **Cardiac Emergency Response Planning for Schools.** The American Heart Association recommends schools adopt a cardiac emergency response plan (CERP). The goal of such plans is to increase the chances of survival following a SCA. These plans should include the following elements:
- a) Identification of one or more cardiac emergency response teams trained to respond quickly in case of medical emergencies.
 - b) Strategic placement and routine maintenance of automated external defibrillator (AEDs), ideally to ensure that an AED is readily accessible so that a rescuer can retrieve it and deliver a shock within three minutes of collapse.
 - c) Dissemination of the plan throughout the school campus.
 - d) Ongoing staff training in CPR and AED use.
 - e) Regular drills throughout the school year to ensure school staff are prepared to respond to medical emergencies.
 - f) Working with local emergency responders to ensure the plan is integrated into community emergency response protocols.
 - g) Annual review and evaluation of the plan.
- 6) **Related and previous legislation.** AB 2800 adds basic understanding of the signs and symptoms of, and appropriate responses to, heat illness, to the training component the 1998 California High School Coaching Education and Training Program. AB 2800 is scheduled to be heard in this committee on May 9, 2018.

AB 1639 (Maienschein, Chapter 792, Statutes of 2016) requires information, training, and emergency intervention protocols at schools in order to reduce the risk of sudden cardiac arrest (SCA) among students, specifically requiring coaches to remove athletes with symptoms of SCA from competition.

AB 1719 (Rodriguez, Chapter 556, Statutes of 2016) requires that, commencing in the 2018-19 school year, school districts and charter schools that require a health course for graduation include instruction in compression-only CPR and encourages schools to provide to pupils general information on the use and importance of an AED.

AB 2217 (Melendez, Chapter 812, Statutes of 2014) authorizes schools to solicit and receive non-state funds for the purchase and maintenance of an AED and for the training of school employees on the use of an AED and provides immunity to school districts and employees from civil damages under specified conditions in the use of an AED.

AB 319 (Rodriguez, 2015) would have required school districts and charter schools to provide instruction on performing CPR and the use of an AED to students in grades 9-12 as part of a course required for graduation. AB 319 was held in the Assembly Appropriations Committee.

AB 939 (Melendez, 2013) would have stated the intent of the Legislature to encourage all public schools to acquire and maintain at least one automated external defibrillator (AED), and would have authorized a public school to solicit and receive non-state funds to acquire and maintain an AED. The bill died in the Senate Appropriations Committee.

SB 1346 (Lowenthal, Chapter 71, Statutes of 2012) removed the sunset on the minimum training standards and immunity from civil damages in connection with the use of AEDs.

SB 63 (Price, 2011) would have required all public high schools to acquire and maintain at least one AED. SB 63 died in the Senate Appropriations Committee.

SUPPORT

American Heart Association/American Stroke Association
American Red Cross
California Ambulance Association
California Association for Health, Physical Education, Recreation and Dance
California Athletic Trainers Association
California Interscholastic Federation (CIF)
California Medical Association
California School Nurses Association
California State PTA

OPPOSITION

None received

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