

BILL ANALYSIS

Senate Research Center
80R6907 SLO-D

S.B. 7
By: Hinojosa et al.
Education
2/23/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each year, at least 250,000 Americans die of sudden cardiac arrest before they reach a hospital. Sudden cardiac arrest strikes people of all ages and degrees of fitness, and usually strikes without warning. Many lives can be saved if bystanders quickly phone 911 and begin cardiopulmonary resuscitation (CPR), or if a trained responder provides defibrillation within minutes. Most cardiac arrest is caused by ventricular fibrillation, an abnormal heart rhythm that prevents the heart from pumping blood, which can be treated by defibrillation.

Current law states that a person who in good faith uses an automated external defibrillator (AED) to administer emergency care is not liable, except under certain conditions, for civil damages for an act performed during the emergency.

As proposed, S.B. 7 requires that AEDs be made available at every public school campus, and school athletic competitions and practices. The bill also requires someone who knows how to use the AED present at each location where the device is available. S.B. 7 requires training of certain school personnel and certain students in the proper use of an AED and in using CPR. Requires school districts to provide high school students with CPR and AED instruction.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 22.902, Education Code) and SECTION 3 (Section 29.9031, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 22, Education Code, by adding Section 22.902, as follows:

Sec. 22.902. INSTRUCTION RELATED TO CARDIOPULMONARY RESUSCITATION AND USE OF AUTOMATED EXTERNAL DEFIBRILLATOR. (a) Requires a school district to annually make available to district employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED), as defined by Section 779.001, Health and Safety Code.

(b) Requires the instruction provided in the AED training to meet guidelines for AED training approved under Section 779.002, Health and Safety Code, or by the University Interscholastic League (UIL).

(c) Requires certain school personnel and each student who serves as an athletic trainer to participate in the instruction for the use of an AED. Requires these individuals to receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(d) Requires the commissioner of education to adopt rules as necessary to implement this section.

SECTION 2. Amends Section 29.903(b), Education Code, as follows:

(b) Requires each school district (district), rather than according to the extent that resources are available to a school district under Section 7.026 or this section, to provide instruction to high school students, rather than students, in the principles and techniques of CPR.

SECTION 3. Amends Subchapter Z, Chapter 29, Education Code, by adding Section 29.9031, as follows:

Sec. 29.9031. AUTOMATED EXTERNAL DEFIBRILLATOR INSTRUCTION. Requires a district to provide instruction to high school students in the principles and techniques of using an AED, as defined by Section 779.001, Health and Safety Code. Authorizes the commissioner to adopt rules as necessary to implement this section.

SECTION 4. Amends Subchapter A, Chapter 38, Education Code, by adding Sections 38.017 and 38.018, as follows:

Sec. 38.017. AVAILABILITY OF AUTOMATED EXTERNAL DEFIBRILLATOR. (a) Requires each district to make available at each campus in the district an AED, as defined by Section 779.001, Health and Safety Code. Requires the campus AED to be readily available during any UIL athletic competition (competition) held on the campus.

(b) Requires each school district, in cooperation with UIL, to determine the extent to which an AED must be available at each competition held at a location other than a district campus, and at each UIL practice (practice) held at a district campus. Requires the determination to be based, in addition to any other appropriate consideration, on relevant medical information and whether emergency services personnel are present at the athletic competition or practice under a contract with the district.

(c) Requires each district to ensure the presence at each location at which an AED is required of at least one campus or district employee trained in the proper use of the AED at any time a substantial number of district students are present at the location.

(d) Requires a district to ensure that an AED is used and maintained in accordance with standards established under Chapter 779, Health and Safety Code.

(e) Provides that a person who uses an AED at a competition or practice in a reasonably prudent manner, including a person who has not received training, has not committed a violation of a standard of conduct that would subject the person to liability for civil damages.

Sec. 38.018. PROCEDURES REGARDING RESPONSE TO CARDIAC ARREST. Requires each district to develop safety procedures for a district employee or student to follow in responding to a medical emergency involving cardiac arrest, including the appropriate response time in administering cardiopulmonary resuscitation, using an AED, or calling a local emergency medical services provider.

SECTION 5. Amends Subchapter B, Chapter 44, Education Code, by adding Section 44.047, as follows:

Sec. 44.047. PURCHASE OR LEASE OF AUTOMATED EXTERNAL DEFIBRILLATOR. Requires a district that purchases or leases an AED to ensure that the AED is of the highest voltage approved by the federal Food and Drug Administration.

SECTION 6. Makes application of this Act prospective to the 2007-2008 school year.

SECTION 7. Effective date: upon passage or September 1, 2007.