SENATE . . . . . No. 2449

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Thursday, July 21, 2016

The committee on Rules, to whom was referred the Senate Bill requiring automated external defibrillators in schools (Senate, No.1191),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2449).

For the committee,
Mark C. Montigny

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In the One Hundred and Eighty-Ninth General Court
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An Act requiring automated external defibrillators in schools.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after section 54B the following section:-

Section 54C. (a) For the purposes of this section, "school" shall mean a day school under the superintendence of a duly elected school committee or a day school conducted under sections 1 to 37, inclusive, of chapter 74. A school shall, subject to available funding, provide and maintain on site in each facility where instruction is provided at least 1 automated external defibrillator, AED, as defined in section 12V½ of chapter 112; provided, however, that the commissioner of elementary and secondary education, in consultation with the commissioner of public health, shall establish guidelines on the type of AED equipment and the number of AEDs that a school shall maintain on site to ensure ready and appropriate access for use during an emergency. A school may develop a funding plan that is cost-neutral to the school budget through the use of grants, donations, fundraising and any other source. The department of elementary and secondary education, in consultation with the department of public health, shall

14 prepare a list of grants and other funding sources that a school may access in order to purchase
15 AEDs and shall publish and maintain the list on the department's website.

16 (b) The commissioner of elementary and secondary education, in consultation with the
17 commissioner of public health, shall establish guidelines on the number of AED providers that
18 shall be on site at a school to ensure ready and appropriate access for use of an AED during an
19 emergency. Such AED providers shall be trained in accordance with the definition of "AED
20 provider" in section 12V½ of chapter 112.

21 (c) If a school is used for school or district sponsored or approved curricular or
22 extracurricular events or activities including, but not limited to, school sponsored athletic
23 contests, the school officials and administrators responsible for the school facility or athletic
24 contest shall ensure the presence of at least 1 AED and AED provider, as defined in section
25 12V½ of chapter 112. If a school sponsored athletic event is held at a site other than a school
26 facility, the school officials shall ensure that an AED and AED provider is on-site.

27 (d) An AED provider or an employee or agent of the AED provider who, in accordance
28 this section, voluntarily and without expectation of monetary compensation renders emergency
29 medical or first aid treatment using an AED made available pursuant to this section to a person
30 who is unconscious, ill or injured shall be liable only to the extent defined in section 12V of
31 chapter 112.

32 (e) Schools may pursue funding from state and non-state sources in order to equip their
33 facilities with AEDs in quantities and types deemed necessary by the commissioner of
34 elementary and secondary education under subsection (a). Sources of funding may include, but
35 shall not be limited to, grants, donations, fundraising or the school district budget.

36 (f) Notwithstanding any general or special law to the contrary, the commissioner of
37 elementary and secondary education shall promulgate a form to be sent to all school districts
38 annually confirming compliance with this section. The commissioner of elementary and
39 secondary education shall assist school districts that are not in compliance in devising and
40 executing an action plan to bring those schools into compliance including, but not limited to,
41 directing such schools to potential funding sources identified in subsection (e).

42 (g) The commissioner of elementary and secondary education shall promulgate
43 regulations requiring schools that are not in compliance with this section to notify members of
44 the public through a clear and conspicuous notice on the school's premises and on the school's
45 website or if the school does not maintain an individual website then through the school system's
46 website or through an annual mailing to the parents or guardians of enrolled students.