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S.B. No. 7

Substitute the following for S.B. No. 7:

By: Dutton

C.S.S.B. No. 7

A BILL TO BE ENTITLED

AN ACT

relating to instruction in cardiopulmonary resuscitation, the availability and use of automated external defibrillators at certain school campuses and athletic events, and the creation of a cardiovascular screening pilot program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5.001, Education Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Private school" means a school that:

(A) offers a course of instruction for students in one or more grades from prekindergarten through grade 12; and

(B) is not operated by a governmental entity.

SECTION 2. Subsection (a), Section 7.026, Education Code, is amended to read as follows:

(a) The agency may accept donations, including donations of equipment, for use in providing cardiopulmonary resuscitation (CPR) instruction to students. The agency:

(1) shall distribute the donations to school districts for the purpose of providing ~~[that provide]~~ CPR instruction to students under Sections 28.0023 and ~~[Section]~~ 29.903; and

(2) may use a portion of the donations to the extent necessary to pay administrative expenses related to the donations.

SECTION 3. Subchapter Z, Chapter 22, Education Code, is amended by adding Section 22.902 to read as follows:

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

8 (b) The instruction provided in the use of an automated
9 external defibrillator must meet guidelines for automated external
10 defibrillator training approved under Section 779.002, Health and
11 Safety Code.

12 (c) Each school nurse, assistant school nurse, athletic
13 coach or sponsor, physical education instructor, marching band
14 director, cheerleading coach, and any other school employee
15 specified by the commissioner and each student who serves as an
16 athletic trainer must participate in the instruction in the use of
17 an automated external defibrillator. A person described by this
18 subsection must receive and maintain certification in the use of an
19 automated external defibrillator from the American Heart
20 Association, the American Red Cross, or a similar nationally
21 recognized association.

22 (d) The commissioner shall adopt rules as necessary to
23 implement this section.

24 (e) This subsection applies only to a private school that
25 receives an automated external defibrillator from the agency or
26 receives funding from the agency to purchase or lease an automated
27 external defibrillator. A private school shall adopt a policy

1 under which the school makes available to school employees and
2 volunteers instruction in the principles and techniques of
3 cardiopulmonary resuscitation and the use of an automated external
4 defibrillator. The policy must comply with the requirements
5 prescribed by this section and commissioner rules adopted under
6 this section, including the requirements prescribed by Subsection
7 (c).

8 SECTION 4. Subchapter A, Chapter 28, Education Code, is
9 amended by adding Section 28.0023 to read as follows:

10 Sec. 28.0023. CARDIOPULMONARY RESUSCITATION AND AUTOMATED
11 EXTERNAL DEFIBRILLATOR INSTRUCTION. (a) In this section,
12 "automated external defibrillator" has the meaning assigned by
13 Section 779.001, Health and Safety Code.

14 (b) The State Board of Education by rule shall include
15 elements relating to instruction in cardiopulmonary resuscitation
16 and the use of an automated external defibrillator as part of the
17 essential knowledge and skills of the health curriculum under
18 Section 28.002(a)(2)(B).

19 (c) This subsection applies only to a private school that
20 receives an automated external defibrillator from the agency or
21 receives funding from the agency to purchase or lease an automated
22 external defibrillator. A private school shall provide instruction
23 to students in cardiopulmonary resuscitation and the use of an
24 automated external defibrillator in a manner consistent with the
25 requirements of this section and State Board of Education rules
26 adopted under this section.

27 SECTION 5. Subsection (a), Section 29.903, Education Code,

is amended to read as follows:

(a) A school district ~~[that provides instruction to students in the principles and techniques of cardiopulmonary resuscitation (CPR)]~~ may accept from the agency donations the agency receives under Section 7.026 ~~for~~~~[-. The district must]~~ use ~~[those donations]~~ in providing instruction to students in the principles and techniques of CPR. A district may accept other donations, including donations of equipment, for use in providing the instruction.

SECTION 6. Subchapter A, Chapter 38, Education Code, is amended by adding Sections 38.017, 38.018, and 38.019 to read as follows:

Sec. 38.017. AVAILABILITY OF AUTOMATED EXTERNAL DEFIBRILLATOR. (a) Each school district shall make available at each campus in the district at least one automated external defibrillator, as defined by Section 779.001, Health and Safety Code. A campus defibrillator must be readily available during any University Interscholastic League athletic competition held on the campus. In determining the location at which to store a campus defibrillator, the principal of the campus shall consider the primary location on campus where students engage in athletic activities.

(b) To the extent practicable, each school district, in cooperation with the University Interscholastic League, shall make reasonable efforts to ensure that an automated external defibrillator is available at each University Interscholastic League athletic practice held at a district campus. If a school

1 district is not able to make an automated external defibrillator
2 available in the manner provided by this subsection, the district
3 shall determine the extent to which an automated external
4 defibrillator must be available at each University Interscholastic
5 League athletic practice held at a district campus. The
6 determination must be based, in addition to any other appropriate
7 considerations, on relevant medical information.

8 (c) Each school district, in cooperation with the
9 University Interscholastic League, shall determine the extent to
10 which an automated external defibrillator must be available at each
11 University Interscholastic League athletic competition held at a
12 location other than a district campus. The determination must be
13 based, in addition to any other appropriate considerations, on
14 relevant medical information and whether emergency services
15 personnel are present at the athletic competition under a contract
16 with the school district.

17 (d) Each school district shall ensure the presence at each
18 location at which an automated external defibrillator is required
19 under Subsection (a), (b), or (c) of at least one campus or district
20 employee trained in the proper use of the defibrillator at any time
21 a substantial number of district students are present at the
22 location.

23 (e) A school district shall ensure that an automated
24 external defibrillator is used and maintained in accordance with
25 standards established under Chapter 779, Health and Safety Code.

26 (f) This section does not:

27 (1) waive any liability or immunity of a school

1 district or its officers or employees; or

2 (2) create any liability for or a cause of action
3 against a school district or its officers or employees.

4 (g) This subsection applies only to a private school that
5 receives an automated external defibrillator from the agency or
6 receives funding from the agency to purchase or lease an automated
7 external defibrillator. A private school shall:

8 (1) make available at the school at least one
9 automated external defibrillator; and

10 (2) in coordination with the Texas Association of
11 Private and Parochial Schools, adopt a policy concerning the
12 availability of an automated external defibrillator at athletic
13 competitions and practices in a manner consistent with the
14 requirements prescribed by this section, including the training and
15 maintenance requirements prescribed by this section.

16 Sec. 38.018. PROCEDURES REGARDING RESPONSE TO CARDIAC
17 ARREST. (a) Each school district and private school shall develop
18 safety procedures for a district or school employee or student to
19 follow in responding to a medical emergency involving cardiac
20 arrest, including the appropriate response time in administering
21 cardiopulmonary resuscitation, using an automated external
22 defibrillator, as defined by Section 779.001, Health and Safety
23 Code, or calling a local emergency medical services provider.

24 (b) A private school is required to develop safety
25 procedures under this section only if the school receives an
26 automated external defibrillator from the agency or receives
27 funding from the agency to purchase or lease an automated external

1 defibrillator.

2 Sec. 38.019. CARDIOVASCULAR SCREENING PILOT PROGRAM.

3 (a) In this section, "pilot program" means the cardiovascular
4 screening pilot program.

5 (b) The commissioner shall establish a pilot program under
6 which sixth grade students at participating campuses are
7 administered a cardiovascular screening, including an
8 electrocardiogram and an echocardiogram.

9 (c) The commissioner shall select campuses to participate
10 in the pilot program. In selecting campuses, the commissioner
11 shall ensure that the cardiovascular screening is administered to
12 an ethnically diverse range of students.

13 (d) The commissioner may accept grants and donations for use
14 in administering the pilot program.

15 (e) The commissioner shall require a participating campus
16 to provide the results of a student's cardiovascular screening to
17 the student's parent or guardian.

18 (f) Each campus selected to participate in the pilot program
19 shall provide a summary of the results of the cardiovascular
20 screenings to the commissioner in a manner that does not identify
21 specific students. Not later than January 1, 2009, the
22 commissioner shall prepare and deliver to each member of the
23 legislature a report summarizing the results of the cardiovascular
24 screenings. This subsection expires June 1, 2009.

25 (g) The commissioner may adopt rules necessary to
26 administer this section.

27 SECTION 7. Subchapter B, Chapter 44, Education Code, is

1 amended by adding Section 44.047 to read as follows:

2 Sec. 44.047. PURCHASE OR LEASE OF AUTOMATED EXTERNAL
3 DEFIBRILLATOR. (a) A school district or private school that
4 purchases or leases an automated external defibrillator, as defined
5 by Section 779.001, Health and Safety Code, shall ensure that the
6 automated external defibrillator meets standards established by
7 the federal Food and Drug Administration.

8 (b) A private school that purchases or leases an automated
9 external defibrillator is required to comply with the requirements
10 of this section only if the school receives funding from the agency
11 to purchase or lease the automated external defibrillator.

12 SECTION 8. Subsection (b), Section 29.903, Education Code,
13 is repealed.

14 SECTION 9. (a) Except as otherwise provided by this Act,
15 this Act applies beginning with the 2007-2008 school year.

16 (b) The State Board of Education shall adopt rules relating
17 to instruction in cardiopulmonary resuscitation and the use of an
18 automated external defibrillator in accordance with Section
19 28.0023, Education Code, as added by this Act, not later than March
20 1, 2008. The rules shall require each school district and
21 open-enrollment charter school to provide instruction in
22 cardiopulmonary resuscitation and the use of an automated external
23 defibrillator beginning with the 2008-2009 school year.

24 (c) Each private school to which Subsection (c), Section
25 28.0023, Education Code, as added by this Act, applies shall
26 provide instruction in cardiopulmonary resuscitation and the use of
27 an automated external defibrillator as required by that section

1 beginning with the 2008-2009 school year.

2 (d) The State Board of Education is not required to review
3 and adopt textbooks for the health curriculum to comply with the
4 requirements of Section 28.0023, Education Code, as added by this
5 Act, until those textbooks are otherwise scheduled for review and
6 adoption under the cycle adopted under Section 31.022, Education
7 Code.

8 SECTION 10. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2007.