

By: Hinojosa, et al. S.B. No. 7  
(In the Senate - Filed February 20, 2007; February 21, 2007,  
read first time and referred to Committee on Education;  
March 5, 2007, reported adversely, with favorable Committee  
Substitute by the following vote: Yeas 7, Nays 0; March 5, 2007,  
sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 7 By: Janek

A BILL TO BE ENTITLED  
AN ACT

relating to instruction in cardiopulmonary resuscitation and the  
availability and use of automated external defibrillators at public  
school campuses and certain athletic events.

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

SECTION 1. 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 2. Subchapter Z, Chapter 22, Education Code, is  
amended by adding Section 22.902 to read as follows:

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

(b) The instruction provided in the use of an automated  
external defibrillator must meet guidelines for automated external  
defibrillator training approved under Section 779.002, Health and  
Safety Code, or by the University Interscholastic League.

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

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

SECTION 3. Subchapter A, Chapter 28, Education Code, is  
amended by adding Section 28.0023 to read as follows:

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

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

SECTION 4. 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~~

2-1 ~~resuscitation (CPR)]~~ may accept from the agency donations the  
 2-2 agency receives under Section 7.026 ~~for~~~~[- The district must]~~ use  
 2-3 ~~[those donations]~~ in providing instruction to students in the  
 2-4 principles and techniques of CPR. A district may accept other  
 2-5 donations, including donations of equipment, for use in providing  
 2-6 the instruction.

2-7 SECTION 5. Subchapter A, Chapter 38, Education Code, is  
 2-8 amended by adding Sections 38.017 and 38.018 to read as follows:

2-9 Sec. 38.017. AVAILABILITY OF AUTOMATED EXTERNAL  
 2-10 DEFIBRILLATOR. (a) Each school district shall make available at  
 2-11 each campus in the district at least one automated external  
 2-12 defibrillator, as defined by Section 779.001, Health and Safety  
 2-13 Code. A campus defibrillator must be readily available during any  
 2-14 University Interscholastic League athletic competition held on the  
 2-15 campus.

2-16 (b) Each school district, in cooperation with the  
 2-17 University Interscholastic League, shall determine the extent to  
 2-18 which an automated external defibrillator must be available at each  
 2-19 University Interscholastic League athletic competition held at a  
 2-20 location other than a district campus and at each University  
 2-21 Interscholastic League athletic practice held at a district campus.  
 2-22 The determination must be based, in addition to any other  
 2-23 appropriate considerations, on relevant medical information and  
 2-24 whether emergency services personnel are present at the athletic  
 2-25 competition or practice under a contract with the school district.

2-26 (c) Each school district shall ensure the presence at each  
 2-27 location at which an automated external defibrillator is required  
 2-28 under Subsection (a) or (b) of at least one campus or district  
 2-29 employee trained in the proper use of the defibrillator at any time  
 2-30 a substantial number of district students are present at the  
 2-31 location.

2-32 (d) A school district shall ensure that an automated  
 2-33 external defibrillator is used and maintained in accordance with  
 2-34 standards established under Chapter 779, Health and Safety Code.

2-35 Sec. 38.018. PROCEDURES REGARDING RESPONSE TO CARDIAC  
 2-36 ARREST. Each school district shall develop safety procedures for a  
 2-37 district employee or student to follow in responding to a medical  
 2-38 emergency involving cardiac arrest, including the appropriate  
 2-39 response time in administering cardiopulmonary resuscitation,  
 2-40 using an automated external defibrillator, as defined by Section  
 2-41 779.001, Health and Safety Code, or calling a local emergency  
 2-42 medical services provider.

2-43 SECTION 6. Subchapter B, Chapter 44, Education Code, is  
 2-44 amended by adding Section 44.047 to read as follows:

2-45 Sec. 44.047. PURCHASE OR LEASE OF AUTOMATED EXTERNAL  
 2-46 DEFIBRILLATOR. A school district that purchases or leases an  
 2-47 automated external defibrillator, as defined by Section 779.001,  
 2-48 Health and Safety Code, shall ensure that the automated external  
 2-49 defibrillator delivers a voltage approved by the federal Food and  
 2-50 Drug Administration.

2-51 SECTION 7. Subsection (b), Section 29.903, Education Code,  
 2-52 is repealed.

2-53 SECTION 8. (a) Except as otherwise provided by this Act,  
 2-54 this Act applies beginning with the 2007-2008 school year.

2-55 (b) The State Board of Education shall adopt rules relating  
 2-56 to instruction in cardiopulmonary resuscitation and the use of an  
 2-57 automated external defibrillator in accordance with Section  
 2-58 28.0023, Education Code, as added by this Act, not later than March  
 2-59 1, 2008. The rules shall require each school district and  
 2-60 open-enrollment charter school to provide instruction in  
 2-61 cardiopulmonary resuscitation and the use of an automated external  
 2-62 defibrillator beginning with the 2008-2009 school year.

2-63 (c) The State Board of Education is not required to review  
 2-64 and adopt textbooks for the health curriculum to comply with the  
 2-65 requirements of Section 28.0023, Education Code, as added by this  
 2-66 Act, until those textbooks are otherwise scheduled for review and  
 2-67 adoption under the cycle adopted under Section 31.022, Education  
 2-68 Code.

2-69 SECTION 9. This Act takes effect immediately if it receives

3-1 a vote of two-thirds of all the members elected to each house, as  
3-2 provided by Section 39, Article III, Texas Constitution. If this  
3-3 Act does not receive the vote necessary for immediate effect, this  
3-4 Act takes effect September 1, 2007.

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