

State of Texas  
S.B. No. 7

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:

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.

(c) Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, 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.

(e) This subsection applies only to a private school that receives an automated external defibrillator from the agency or receives funding from the agency to purchase or lease an automated external defibrillator. A private school shall adopt a policy under which the school makes available to school employees and volunteers instruction in the principles and techniques

of cardiopulmonary resuscitation and the use of an automated external defibrillator. The policy must comply with the requirements prescribed by this section and commissioner rules adopted under this section, including the requirements prescribed by Subsection (c).

SECTION 4. 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).

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

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

(c) Each school district, in cooperation with the University Interscholastic League, shall determine the extent to which an automated external defibrillator must be available at each

University Interscholastic League athletic competition held at a location other than a district campus. The determination must be based, in addition to any other appropriate considerations, on relevant medical information and whether emergency services personnel are present at the athletic competition under a contract with the school district.

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

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

(f) This section does not:

(1) waive any immunity from liability of a school district or its officers or employees;

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

(3) waive any immunity from liability under Section 74.151, Civil Practice and Remedies Code.

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

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

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

(h) A school district may seek and accept gifts, grants, or other donations to pay the district's cost of purchasing automated external defibrillators required under this section.

#### Sec. 38.018. PROCEDURES REGARDING RESPONSE TO CARDIAC

ARREST. (a) Each school district and private school shall develop safety procedures for a district or school 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 automated external defibrillator, as defined by Section 779.001, Health and Safety Code, or calling a local emergency medical services provider.

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

#### Sec. 38.019. CARDIOVASCULAR SCREENING PILOT PROGRAM.

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

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

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

- (d) The commissioner may accept grants and donations for use in administering the pilot program.
- (e) The commissioner shall require a participating campus to provide the results of a student's cardiovascular screening to the student's parent or guardian.
- (f) Each campus selected to participate in the pilot program shall provide a summary of the results of the cardiovascular screenings to the commissioner in a manner that does not identify specific students. Not later than January 1, 2009, the commissioner shall prepare and deliver to each member of the legislature a report summarizing the results of the cardiovascular screenings. This subsection expires June 1, 2009.
- (g) The commissioner may adopt rules necessary to administer this section.

SECTION 7. Subchapter B, Chapter 44, Education Code, is amended by adding Section 44.047 to read as follows:

Sec. 44.047. PURCHASE OR LEASE OF AUTOMATED EXTERNAL DEFIBRILLATOR.

- (a) A school district or private school that purchases or leases an automated external defibrillator, as defined by Section 779.001, Health and Safety Code, shall ensure that the automated external defibrillator meets standards established by the federal Food and Drug Administration.
- (b) A private school that purchases or leases an automated external defibrillator is required to comply with the requirements of this section only if the school receives funding from the agency to purchase or lease the automated external defibrillator.

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

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

- (b) The State Board of Education shall adopt rules relating to instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator in accordance with Section 28.0023, Education Code, as added by this Act, not later than March 1, 2008. The rules shall require each school district and open-enrollment charter school to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator beginning with the 2008-2009 school year.
- (c) Each private school to which Subsection (c), Section 28.0023, Education Code, as added by this Act, applies shall provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator as required by that section beginning with the 2008-2009 school year.
- (d) The State Board of Education is not required to review and adopt textbooks for the health curriculum to comply with the requirements of Section 28.0023, Education Code, as added by this Act, until those textbooks are otherwise scheduled for review and adoption under the cycle adopted under Section 31.022, Education Code.

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