

Assembly Bill No. 2009

CHAPTER 646

An act to add Sections 35179.4 and 35179.6 to the Education Code, relating to interscholastic athletic programs.

[Approved by Governor September 21, 2018. Filed with Secretary of State September 21, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2009, Maienschein. Interscholastic athletic programs: school districts: written emergency action plans: automated external defibrillator.

Existing law establishes a system of public elementary and secondary schools operated by local educational agencies throughout this state. Under existing law, public and private secondary schools participate in interscholastic sports, and are authorized to enter into associations or consortia to enact and enforce rules relating to eligibility for, and participation in, these activities.

Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities, and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.

Existing law authorizes a public school to solicit and receive nonstate funds to acquire and maintain an automated external defibrillator (AED). Existing law provides that an employee of the school district is not liable for civil damages resulting from certain uses, attempted uses, or nonuses of an AED, except as provided. Existing law provides that a public school or school district that complies with certain requirements related to an AED is not liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment, except as provided.

If a school district or charter school elects to offer any interscholastic athletic program, this bill would require the school district or charter school to (1) ensure that there is a written emergency action plan in place, and posted as specified, that describes the location and procedures to be followed in the event of sudden cardiac arrest or other medical emergencies related to the athletic program's activities or events, (2) acquire, commencing July 1, 2019, at least one AED for each school within the school district or the charter school to be available on campus, (3) encourage that the AED or AEDs are available for the purpose of rendering emergency care or treatment, as specified, (4) ensure that the AED or AEDs are available to athletic trainers and coaches and authorized persons at the athletic program's on campus activities or events, and (5) ensure that the AED or AEDs are

maintained and regularly tested, as specified. The bill would expressly state that an employee of a school district or charter school is not liable for civil damages resulting from certain uses, attempted uses, or nonuses of an AED in the rendering of emergency care or treatment pursuant to the bill's provisions, except as provided. The bill would expressly state that a public school, school district, or charter school that complies with certain requirements related to an AED is not liable for any civil damages resulting from any act or omission in the rendering of emergency care or treatment pursuant to the bill's provisions, except as provided.

The people of the State of California do enact as follows:

SECTION 1. Section 35179.4 is added to the Education Code, to read:

35179.4. If a school district or charter school elects to offer any interscholastic athletic program, the governing board of the school district or the governing body of the charter school shall ensure that there is a written emergency action plan in place that describes the location and procedures to be followed in the event of sudden cardiac arrest and other medical emergencies related to the athletic program's activities or events. The written emergency action plan shall be posted in compliance with the most recent pertinent guidelines of the National Federation of State High School Associations.

SEC. 2. Section 35179.6 is added to the Education Code, to read:

35179.6. (a) For purposes of this section, an "AED" is an automated external defibrillator.

(b) Commencing July 1, 2019, if a school district or charter school elects to offer any interscholastic athletic program, the school district or the charter school shall acquire at least one AED for each school within the school district or the charter school. The school district or the charter school is encouraged to ensure that the AED or AEDs are available for the purpose of rendering emergency care or treatment within a recommended three to five minutes of sudden cardiac arrest to pupils, spectators, and any other individuals in attendance at the athletic program's on campus activities or events and shall ensure that the AED or AEDs are available to athletic trainers and coaches and authorized persons at these activities or events.

(c) Subdivision (b) of Section 49417 shall apply for the purposes of determining whether an employee of a school district is liable for any civil damages resulting from his or her use, attempted use, or nonuse of an AED in the rendering of emergency care or treatment pursuant to this section.

(d) Subdivision (c) of Section 49417 shall apply for the purposes of determining whether a public school or school district is liable for any civil damages resulting from any act or omission in the rendering of emergency care or treatment pursuant to this section.

(e) Except as provided in subdivision (g), if an employee of a charter school complies with Section 1714.21 of the Civil Code in rendering emergency care or treatment through the use, attempted use, or nonuse of

an AED at the scene of an emergency, the employee shall not be liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment.

(f) Except as provided in subdivision (g), if a charter school complies with the requirements of Section 1797.196 of the Health and Safety Code, the charter school shall be covered by Section 1714.21 of the Civil Code and shall not be liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment.

(g) Subdivisions (e) and (f) do not apply in the case of personal injury or wrongful death that results from gross negligence or willful or wanton misconduct on the part of the person who uses, attempts to use, or fails to use an AED to render emergency care or treatment.

(h) In order to ensure public safety, each school district or charter school that elects to offer any interscholastic athletic program shall ensure that its AED or AEDs are maintained and regularly tested according to the operation and maintenance guidelines set forth by the manufacturer, the American Heart Association, or the American Red Cross, and according to any applicable rules and regulations set forth by the governmental authority under the federal Food and Drug Administration and any other applicable state and federal authority.

(i) This section does not alter the requirements of Section 1797.196 of the Health and Safety Code.