

SENATE BILL NO. 773

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

3642S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 167.624 and 170.310, RSMo, and to enact in lieu thereof three new sections relating to automated external defibrillators in schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 167.624 and 170.310, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 160.111, 167.624, and 170.310, to read as
4 follows:

**160.111. 1. As used in this section, the following
2 terms mean:**

**(1) "Automated external defibrillator" or "AED", a
4 device that:**

**(a) Is used to administer an electric shock through
6 the chest wall to the heart;**

**(b) Has built-in computers within the device to assess
8 the patient's heart rhythm, determine whether defibrillation
9 is needed, and administer the shock;**

**(c) Has audible or visual prompts, or both, to guide
11 the user through the process;**

**(d) Has received approval from the U.S. Food and Drug
13 Administration of its pre-market modification filed under 21
14 U.S.C. Section 360(k), as amended;**

**(e) Is capable of recognizing the presence or absence
16 of ventricular fibrillation and rapid ventricular
17 tachycardia and is capable of determining without**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 intervention by an operator whether defibrillation should be
19 performed; and

20 (f) Upon determining defibrillation should be
21 performed, either automatically charges and delivers an
22 electrical impulse to an individual's heart or charges and
23 delivers an electrical impulse at the command of the
24 operator;

25 (2) "Cardiac arrest", a condition, often sudden, that
26 is due to abnormal heart rhythms called arrhythmias and that
27 is generally the result of some underlying form of heart
28 disease;

29 (3) "Cardiopulmonary resuscitation" or "CPR", a
30 combination of rescue breathing, chest compressions, and
31 external cardiac massage used to sustain an individual's
32 life until advanced assistance arrives;

33 (4) "Defibrillation", administering an electrical
34 impulse to an individual's heart in order to stop
35 ventricular fibrillation or rapid ventricular tachycardia;

36 (5) "Department", the department of elementary and
37 secondary education;

38 (6) "Emergency medical services", the transportation
39 and medical care provided to the ill or injured prior to
40 arrival at a medical facility by a licensed emergency
41 medical technician or other health care provider and the
42 continuation of the initial emergency care within a medical
43 facility subject to the approval of the medical staff and
44 governing board of that facility;

45 (7) "Extracurricular event", any school-sponsored
46 program or voluntary activity sponsored by the school, local
47 education agency, or an organization sanctioned by the local
48 education agency at which students compete for the purpose
49 of:

- 50 (a) Receiving an award, rating, recognition, or
51 criticism;
- 52 (b) Qualifying for additional competition; or
- 53 (c) Preparing for and involvement in public
54 performances, contests, athletic competitions,
55 demonstrations, displays, and club activities;
- 56 (8) "Program coordinator", an individual, appointed by
57 the school district, who is responsible for administration
58 of the AED program for such individual's public school
59 campus;
- 60 (9) "Protocol", currently approved and accepted
61 procedures describing specific steps a provider is required
62 to follow in assessing and treating a patient;
- 63 (10) "Provider", school personnel of a public school
64 campus who have completed training in CPR in addition to
65 having knowledge and understanding of an AED's operation and
66 use under the requirements of this section;
- 67 (11) "Public school", the same definition as in
68 section 160.011;
- 69 (12) "School campus", any public school building or
70 cluster of buildings, and grounds around such public school
71 building or cluster of buildings, used for any public school
72 purpose including, but not limited to, an extracurricular
73 activity, organized physical activity courses, early
74 childhood education programs, or school district
75 administration;
- 76 (13) "School personnel", a school district employee
77 approved by the school board or a contract employee of the
78 school district who is required to follow school policy and
79 procedures;
- 80 (14) "School-sponsored event", any event or activity
81 sponsored by the public school or school district including,

82 but not limited to, athletic events, booster clubs, parent-
83 teacher organizations, or any activity designed to enhance
84 the school curriculum whether on the school campus or not;

85 (15) "Ventricular fibrillation", the most common
86 arrhythmia that causes cardiac arrest and a condition in
87 which the heart's electrical impulses suddenly become
88 chaotic, often without warning, causing the heart's pumping
89 action to stop abruptly.

90 2. For the 2025-26 school year and all subsequent
91 school years:

92 (1) Each school campus shall install automated
93 external defibrillators as required in this section;

94 (2) Appropriate school personnel shall have been
95 adequately trained in the use of such AEDs as required under
96 this section before the beginning of the 2025-26 school
97 year; and

98 (3) Appropriate school personnel shall be trained
99 annually in the use of such AEDs as required under this
100 section.

101 3. (1) An automated external defibrillator meets the
102 requirements of this section if such AED is:

103 (a) Approved by the U.S. Food and Drug Administration;

104 (b) An automated kind of external defibrillator
105 requiring provider intervention to initiate a defibrillation
106 shock; and

107 (c) Capable of automatically collecting data.

108 (2) No modifications shall be made to AED equipment by
109 the provider or the service that results in deviation from:

110 (a) The original manufacturer's specifications; or

111 (b) AED protocols, which are:

112 a. Early access, which is calling 911;

113 b. Early CPR, which is starting CPR immediately;

114 c. Early defibrillation, which is using the on-site
115 AED within three to five minutes of onset; and

116 d. Early advanced care, which is trained health care
117 providers arriving to provide advanced care.

118 4. (1) Each school district shall designate
119 appropriate personnel to be responsible for the maintenance
120 of each automated external defibrillator.

121 (2) All components of each AED and integrated data
122 recording system shall be inspected by a qualified service
123 technician at least one time per calendar year or as
124 recommended by the manufacturer to ensure that the AED
125 equipment:

126 (a) Meets original manufacturer's specifications; and

127 (b) Maintains the currently approved treatment
128 protocols based on the current American Heart Association
129 scientific guidelines, standards, and recommendations for
130 the use of the AED.

131 (3) The battery of the AED shall be maintained and
132 replaced in accordance with manufacturer's specifications.

133 (4) All maintenance and repairs shall be performed by
134 a qualified service technician recognized by the
135 manufacturer.

136 (5) Written records shall be maintained for all
137 maintenance, repairs, and inspections performed on all
138 components for mandated annual state reporting purposes.

139 5. (1) Each public school shall designate appropriate
140 school personnel to be responsible for ensuring the
141 availability of each automated external defibrillator as
142 provided in this subsection.

143 (2) The regular location of each AED shall be based on
144 the following:

145 (a) The size and physical layout of the school campus;

146 (b) The number and ages of individuals on the school
147 campus;

148 (c) Types and locations of curricular,
149 extracurricular, and school-sponsored events; and

150 (d) Design features that are unique to particular
151 buildings on the school campus.

152 (3) During school hours, an AED shall be placed at
153 designated locations. Such locations shall be specific to
154 each school campus but shall allow such AED to be easily
155 seen by school personnel. Such locations shall allow school
156 personnel to retrieve such AED outside of normal school
157 hours.

158 (4) In conjunction with the location standards listed
159 in subdivisions (2) and (3) of this subsection, AEDs shall
160 be placed in areas where there is likely to be high traffic
161 or congregation, such as auditoriums, cafeterias, or
162 gymnasiums, and areas where risk of injury may be elevated
163 on each school campus, in an easily accessible location of
164 such areas, to be determined after consultation with the
165 local emergency medical services system or emergency medical
166 response agency.

167 6. The program coordinator shall:

168 (1) Maintain current provider status in CPR and the
169 use of an automated external defibrillator;

170 (2) Ensure that providers on the school campus receive
171 appropriate training in the use and maintenance of the
172 public school's AEDs;

173 (3) Oversee training operations for the public school
174 and maintain organizational training reports;

175 (4) Ensure that AED equipment is maintained according
176 to manufacturer and treatment protocol specifications based
177 on the current American Heart Association scientific

178 guidelines, standards, and recommendations for the use of
179 each AED and submit maintenance records to the department as
180 required by the department;

181 (5) Provide professional development opportunities
182 annually for providers and all school personnel, if
183 applicable;

184 (6) Verify credentials of school personnel functioning
185 as a provider within the public school;

186 (7) Review each use of each AED; and

187 (8) Report, in a format approved by the department,
188 each use of an AED. Such report shall be completed and
189 submitted to the department within thirty days following
190 such use. Such form shall contain at least relevant
191 information regarding the incidence and use of the AED and
192 the client outcome.

193 7. Appropriate training of providers and anticipated
194 rescuers in the use of an automated external defibrillator
195 and in CPR shall incorporate at least the following:

196 (1) Testing of psychomotor skills based on the most
197 current version of the American Heart Association scientific
198 guidelines, standards, and recommendations for the use of
199 each AED;

200 (2) Providing CPR as published in the most current
201 guidelines of the American Heart Association, American Red
202 Cross, or in equivalent course materials;

203 (3) Coordinating with the local emergency medical
204 services system or emergency medical response agency; and

205 (4) An ongoing quality improvement program to monitor
206 training and evaluate response with each use of an AED.

207 8. Automated external defibrillator and
208 cardiopulmonary resuscitation training shall count fully

209 toward professional development requirements under section
210 168.021.

211 9. Before April thirtieth in each school year, each
212 public school shall report to the department on the
213 implementation and status of automated external
214 defibrillator availability on each school campus. The
215 department shall compile such data and submit a report to
216 the general assembly before the end of each school year.

217 10. The department may promulgate all necessary rules
218 and regulations for the administration of this section. Any
219 rule or portion of a rule, as that term is defined in
220 section 536.010, that is created under the authority
221 delegated in this section shall become effective only if it
222 complies with and is subject to all of the provisions of
223 chapter 536 and, if applicable, section 536.028. This
224 section and chapter 536 are nonseverable and if any of the
225 powers vested with the general assembly pursuant to chapter
226 536 to review, to delay the effective date, or to disapprove
227 and annul a rule are subsequently held unconstitutional,
228 then the grant of rulemaking authority and any rule proposed
229 or adopted after August 28, 2024, shall be invalid and void.

167.624. 1. Each school board in the state, if the
2 school district does not presently have a program as
3 described below, may develop and implement a program to
4 train the students and employees of the district in the
5 administration of cardiopulmonary resuscitation and other
6 lifesaving methods, as they determine best, and may consult
7 the department of public safety, the state fire marshal's
8 office, the local fire protection authorities, and others as
9 the board sees fit. The board may make completion of the
10 program a requirement for graduation. Any trained employee
11 shall be held harmless and immune from any civil liability

12 for administering cardiopulmonary resuscitation and other
13 lifesaving methods in good faith and according to standard
14 medical practices.

15 **2. For the 2024-25 school year and all subsequent**
16 **school years, district training implemented pursuant to the**
17 **provisions of this section shall include appropriate**
18 **training in the use of an automated external defibrillator**
19 **as required in section 160.111. Each school district shall**
20 **comply with all applicable provisions of sections 160.011**
21 **and 190.092 relating to placement, maintenance, testing, and**
22 **inspection of automated external defibrillators. Any**
23 **trained employee shall be held harmless and immune from any**
24 **civil liability for the use of an automated external**
25 **defibrillator in good faith and according to standard**
26 **medical practices.**

170.310. 1. For school year 2017-18 and each school
2 year thereafter, upon graduation from high school, pupils in
3 public schools and charter schools shall have received
4 thirty minutes of cardiopulmonary resuscitation instruction
5 and training in the proper performance of the Heimlich
6 maneuver or other first aid for choking given any time
7 during a pupil's four years of high school.

8 2. Beginning in school year 2017-18, any public school
9 or charter school serving grades nine through twelve shall
10 provide enrolled students instruction in cardiopulmonary
11 resuscitation. Students with disabilities may participate
12 to the extent appropriate as determined by the provisions of
13 the Individuals with Disabilities Education Act or Section
14 504 of the Rehabilitation Act **(29 U.S.C. Section 794), as**
15 **amended.** Instruction shall be included in the district's
16 existing health or physical education curriculum.
17 Instruction shall be based on a program established by the

18 American Heart Association or the American Red Cross, or
19 through a nationally recognized program based on the most
20 current national evidence-based emergency cardiovascular
21 care guidelines, and psychomotor skills development shall be
22 incorporated into the instruction. For purposes of this
23 section, "psychomotor skills" means the use of hands-on
24 practicing and skills testing to support cognitive learning.

25 **3. For the 2024-25 school year and all subsequent**
26 **school years, instruction in cardiopulmonary resuscitation**
27 **pursuant to the provisions of this section shall include**
28 **appropriate instruction and training in the use of an**
29 **automated external defibrillator as required pursuant to the**
30 **provisions of section 160.111.**

31 **4.** The teacher of the cardiopulmonary resuscitation
32 course or unit shall not be required to be a certified
33 trainer of cardiopulmonary resuscitation if the instruction
34 is not designed to result in certification of students.
35 Instruction that is designed to result in certification
36 being earned shall be required to be taught by an authorized
37 cardiopulmonary instructor. Schools may develop agreements
38 with any local chapter of a voluntary organization of first
39 responders to provide the required hands-on practice and
40 skills testing. For purposes of this subsection, "first
41 responders" shall include telecommunicator first responders
42 as defined in section 650.320.

43 **[4.] 5.** The department of elementary and secondary
44 education may promulgate rules to implement this section.
45 Any rule or portion of a rule, as that term is defined in
46 section 536.010, that is created under the authority
47 delegated in this section shall become effective only if it
48 complies with and is subject to all of the provisions of
49 chapter 536 and, if applicable, section 536.028. This

50 section and chapter 536 are nonseverable and if any of the
51 powers vested with the general assembly pursuant to chapter
52 536 to review, to delay the effective date, or to disapprove
53 and annul a rule are subsequently held unconstitutional,
54 then the grant of rulemaking authority and any rule proposed
55 or adopted after August 28, 2012, shall be invalid and void.

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