

FIRST REGULAR SESSION

HOUSE BILL NO. 1275

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

0990H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 170.310 and 190.092, RSMo, and to enact in lieu thereof three new sections relating to automated external defibrillators.

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

Section A. Sections 170.310 and 190.092, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 170.310, 171.430, and 190.092, to read as follows:

170.310. 1. For school year ~~[2017-18]~~ **2023-24** and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction ~~[and]~~, training in the proper performance of the Heimlich maneuver or other first aid for choking, **and training on the proper use of automated external defibrillators** given any time during a pupil's four years of high school.

2. Beginning in school year ~~[2017-18]~~ **2023-24**, any public school or charter school serving grades nine through twelve shall provide enrolled students instruction in cardiopulmonary resuscitation **and instruction in automated external defibrillator use**. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to
18 support cognitive learning.

19 3. The teacher of the cardiopulmonary resuscitation course or unit shall not be
20 required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not
21 designed to result in certification of students. Instruction that is designed to result in
22 certification being earned shall be required to be taught by an authorized cardiopulmonary
23 instructor. Schools may develop agreements with any local chapter of a voluntary
24 organization of first responders to provide the required hands-on practice and skills testing.

25 4. The department of elementary and secondary education may promulgate rules to
26 implement this section. Any rule or portion of a rule, as that term is defined in section
27 536.010, that is created under the authority delegated in this section shall become effective
28 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
29 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
30 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
31 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
32 of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be
33 invalid and void.

**171.430. 1. There is hereby created in the state treasury the "Automated
2 External Defibrillator School Assistance Fund", which shall consist of moneys collected
3 under this section. The general assembly may appropriate moneys to the fund for the
4 purpose of providing matching funds to public schools as provided under this section.
5 For purposes of this section, "public schools" shall have the same meaning as in section
6 160.011.**

7 **2. Moneys in the fund may be distributed to public schools in the form of
8 matching funds for the placement of automatic external defibrillators in the
9 gymnasiums of individual school buildings.**

10 **3. Any matching funds distributed under this section shall be limited to the
11 amount of seventy-five percent of the cost of placing an automated external defibrillator
12 in the gymnasium of an individual school building. To qualify for matching funds, a
13 public school shall demonstrate to the department of elementary and secondary
14 education the public school's commitment to fund twenty-five percent of the project's
15 cost. A public school shall be limited to receiving matching funds for the placement of
16 one external defibrillator per school building.**

17 **4. The department of elementary and secondary education shall create an
18 application and establish procedures for public schools to follow to receive matching
19 funds under this section. The department of elementary and secondary education may
20 promulgate rules and regulations to implement this section. Any rule or portion of a**

21 rule, as that term is defined in section 536.010, that is created under the authority
22 delegated in this section shall become effective only if it complies with and is subject to
23 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
24 chapter 536 are nonseverable and if any of the powers vested with the general assembly
25 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
26 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
27 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

28 **5. The commissioner of the department of elementary and secondary education**
29 **shall administer the automated external defibrillator school assistance fund. The state**
30 **treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,**
31 **the state treasurer may approve disbursements. The fund shall be a dedicated fund and,**
32 **upon appropriation, moneys in this fund shall be used solely for the administration of**
33 **this section.**

34 **6. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
35 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
36 **general revenue fund.**

37 **7. The state treasurer shall invest moneys in the fund in the same manner as**
38 **other funds are invested. Any interest and moneys earned on such investments shall be**
39 **credited to the fund.**

190.092. 1. This section shall be known and may be cited as the "Public Access to
2 Automated External Defibrillator Act".

3 2. A person or entity that acquires an automated external defibrillator, **including**
4 **persons or entities required to provide automated external defibrillators under**
5 **subsection 3 of this section, shall:**

6 (1) Comply with all regulations governing the placement of an automated external
7 defibrillator;

8 (2) Ensure that the automated external defibrillator is maintained and tested according
9 to the operation and maintenance guidelines set forth by the manufacturer;

10 (3) Ensure that the automated external defibrillator is tested at least every two years
11 and after each use; and

12 (4) Ensure that an inspection is made of all automated external defibrillators on the
13 premises at least every ninety days for potential issues related to the operation of the device,
14 including a blinking light or other obvious defect that may suggest tampering or that another
15 problem has arisen with the functionality of the automated external defibrillator.

16 **3. Beginning January 1, 2024, any person or entity that owns or operates a**
17 **public place shall provide and maintain on-site, functional automated external**
18 **defibrillators in quantities and types deemed by the department of health and senior**

19 services to be adequate to ensure ready and appropriate access for use during cardiac
20 emergencies. For purposes of this subsection, "public place" means an enclosed area
21 capable of holding three hundred people or more and to which the public is invited or in
22 which the public is permitted including, but not limited to, banks, bars, educational
23 facilities, health care facilities, laundromats, public transportation facilities, reception
24 areas, restaurants, retail food production and marketing establishments, retail service
25 establishments, retail stores, shopping malls, sports arenas, government offices,
26 theaters, and waiting rooms. A private residence is not a public place for purposes
27 of this subsection unless it is used as a child care, adult daycare, or health care facility.

28 4. Any person who gratuitously and in good faith renders emergency care by use of or
29 provision of an automated external defibrillator shall not be held liable for any civil damages
30 or subject to any criminal penalty as a result of such care or treatment, unless the person acts
31 in a willful and wanton or reckless manner in providing the care, advice, or assistance. The
32 person who or entity that provides training to the person using an automated external
33 defibrillator, the person or entity responsible for the site where the automated external
34 defibrillator is located, and the person or entity that owns the automated external defibrillator
35 shall likewise not be held liable for civil damages or subject to any criminal penalty resulting
36 from the use of an automated external defibrillator.

37 ~~[4.]~~ 5. All basic life support ambulances and stretcher vans operated in the state of
38 Missouri shall be equipped with an automated external defibrillator and be staffed by at least
39 one individual trained in the use of an automated external defibrillator.

40 ~~[5.]~~ 6. The provisions of this section shall apply in all counties within the state and
41 any city not within a county.

42 7. The director of the department of health and senior services may promulgate
43 all necessary rules and regulations for the administration of this section. Any rule or
44 portion of a rule, as that term is defined in section 536.010, that is created under the
45 authority delegated in this section shall become effective only if it complies with and is
46 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
47 section and chapter 536 are nonseverable and if any of the powers vested with the
48 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
49 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
50 rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be
51 invalid and void.

✓