

By: Representative Paden

To: Education;
Appropriations

HOUSE BILL NO. 135

1 AN ACT TO REQUIRE EACH SCHOOL IN EVERY SCHOOL DISTRICT AND
2 PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTION TO HAVE AN AUTOMATED
3 EXTERNAL DEFIBRILLATOR (AED) IN EACH EDUCATIONAL BUILDING, CENTRAL
4 ADMINISTRATIVE OFFICE AND CAFETERIA, STORED IN A SECURE AND EASILY
5 ACCESSIBLE LOCATION WITHIN EACH RESPECTIVE BUILDING; TO DEFINE THE
6 TERMS USED IN THIS ACT; TO REQUIRE EACH LOCAL SCHOOL BOARD AND
7 PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTION TO ADOPT AND
8 IMPLEMENT A POLICY REGARDING THE MAINTENANCE, STORAGE, TESTING AND
9 USE OF AEDS; TO PRESCRIBE THE MINIMUM REQUIREMENTS OF THE POLICY;
10 TO AUTHORIZE SUCH SCHOOL DISTRICTS AND INSTITUTIONS TO LEASE AEDS
11 FOR THEIR CAMPUSES; TO REQUIRE THE LEASE TO INCLUDE A SERVICE AND
12 MAINTENANCE AND UPGRADE PROVISION; TO PROVIDE SUCH DISTRICTS AND
13 INSTITUTIONS WITH THE DISCRETION TO PURCHASE AEDS IF FUNDS ARE
14 AVAILABLE TO DO SO; TO REQUIRE A SEPARATE AGREEMENT BE ENTERED
15 INTO FOR THE SERVICE AND MAINTENANCE ON THE AED; TO PROVIDE THAT
16 ONLY LICENSED MEDICAL PROFESSIONALS OR SCHOOL PERSONNEL TRAINED BY
17 LICENSED MEDICAL PROFESSIONALS SHALL BE AUTHORIZED TO USE AN AED
18 FOR PERSONS IN CARDIAC ARREST; TO REQUIRE THE STATE DEPARTMENT OF
19 HEALTH, IN CONSULTATION WITH THE STATE SUPERINTENDENT OF PUBLIC
20 EDUCATION, COMMISSIONER OF HIGHER EDUCATION AND EXECUTIVE DIRECTOR
21 OF THE MISSISSIPPI COMMUNITY COLLEGE BOARD, TO ESTABLISH
22 GUIDELINES FOR THE DEVELOPMENT OF POLICIES BY LOCAL SCHOOL
23 DISTRICTS; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO ADOPT
24 RULES REGARDING THE MAINTENANCE, STORAGE, TESTING AND USE OF AEDS
25 IN PUBLIC SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO
26 PROVIDE ANNUAL TRAINING AND INSPECTIONS; AND FOR RELATED PURPOSES.

27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

28 **SECTION 1.** As used in this act, the following terms shall
29 have the meanings ascribed in this section, unless context clearly
30 requires otherwise:



31 (a) "Automated external defibrillator" or "AED" means a
32 portable electronic device that automatically diagnoses the
33 life-threatening cardiac arrhythmias of ventricular fibrillation
34 (VF) and pulseless ventricular tachycardia, and is able to treat
35 them through defibrillation, the application of electricity which
36 stops the arrhythmia, allowing the heart to reestablish an
37 effective rhythm.

38 (b) "Licensed medical professional" means a physician,
39 physician assistant, advanced practice nurse, registered nurse or
40 school nurse who is appropriately licensed by the State of
41 Mississippi and is designated by a local school board or
42 institution to oversee the school's CPR instruction, automated
43 external defibrillator (AED) usage and training program.

44 (c) "Public postsecondary educational institution"
45 means:

46 (i) A four-year institution of higher learning
47 under the management and control of the Board of Trustees of State
48 Institutions of Higher Learning; and

49 (ii) A two-year educational institution under the
50 jurisdiction of the Mississippi Community College Board.

51 (d) "School" means a public elementary or secondary
52 educational facility under the control of a local school board,
53 and all the instructional and subsidiary buildings situated on the
54 same campus, off-campus teaching locations and regional centers
55 under the jurisdiction of the school board.



56 (e) "School personnel" means an individual who is a
57 faculty or staff member of the local school district.

58 (f) "Trained designee" means a member of the school
59 personnel trained by a licensed medical professional in the
60 administration of CPR and use of an automated external
61 defibrillator (AED).

62 **SECTION 2.** (1) All public school districts and public
63 postsecondary educational institutions shall comply with all
64 provisions of this act. Each postsecondary educational
65 institution and school in every school district shall have, in
66 each educational building, central administrative office and
67 cafeteria, an AED, which is stored in a secure and easily
68 accessible location within each respective building to be used by
69 a licensed medical professional or trained designee for use in the
70 event of an emergency cardiac arrest.

71 (2) (a) In order to be in compliance with the requirements
72 of subsection (1) of this section, each public school district and
73 public postsecondary educational institution is authorized to
74 lease automated external defibrillators (AEDs). However, in the
75 discretion of the local school board or the president of the
76 public postsecondary educational institution, with approval of the
77 Board of Trustees of State Institutions of Higher Learning, on a
78 case-by-case basis, may opt to purchase instead of leasing the
79 AEDs for facilities under their management and control, as funds
80 are available for such purchases.



81 (b) If the school district or postsecondary educational
82 institution leases AEDs for its facilities, the lease agreement
83 shall include a provision requiring the supplier of the units to
84 provide regularly scheduled maintenance and system upgrades as
85 determined by the prevailing industry standards for system
86 replacements or upgrades. If the school district or postsecondary
87 educational institution exercises the option to purchase AEDs for
88 its facilities, the school or institution shall enter into an
89 agreement, either with the company from which the units were
90 purchased or a certified medical supply company that specializes
91 in AED service and maintenance, for the regularly scheduled
92 maintenance of its units. Purchasing districts or institutions
93 shall ensure that their units are replaced or upgraded in
94 accordance with the prevailing industry standards for system
95 replacements or upgrades.

96 **SECTION 3.** (1) Each postsecondary educational institution
97 and school district shall adopt and implement a policy regarding
98 the maintenance, storage, testing and use of automated external
99 defibrillators (AEDs), on the institution's or school's campus.

100 (2) The adopted policy must provide:

101 (a) That licensed medical professionals or school
102 personnel under the guidance of a licensed medical professional
103 who are authorized and trained may administer the use of an AED,
104 when the designee in good faith believes that an individual is



105 reasonably believed to be experiencing severe cardiac arrest on
106 the school premises;

107 (b) That licensed medical professionals or school
108 personnel under the guidance of a licensed medical professional
109 who are authorized and trained may administer the use of an AED on
110 a person who is reasonably believed to be experiencing severe
111 cardiac arrest at an off-campus event or while in transit to or
112 from an off-campus event sponsored by the school district;

113 (c) That the licensed medical professional shall have
114 responsibility for training designees in the proper administration
115 of CPR and use of an AED; and

116 (d) That a physician, physician assistant, advanced
117 practice nurse, registered nurse or school nurse who is
118 appropriately licensed by the State of Mississippi shall be
119 designated to serve as the licensed medical professional,
120 authorized to:

121 (i) Establish and administer a standardized
122 training protocol for the emergency administration of CPR and the
123 use of an AED by trained designees; and

124 (ii) Ensure that trained designees have
125 satisfactorily completed the training protocol.

126 (3) To become a trained designee, an individual must:

127 (a) Be eighteen (18) years of age or older;



128 (b) Have, or reasonably expect to have, responsibility
129 for students and other persons as a result of the individual's
130 occupational or volunteer status; and

131 (c) Have satisfactorily completed a standardized
132 training protocol established and administered by a licensed
133 medical professional in accordance with guidelines developed by
134 the State Department of Health, in consultation with the State
135 Superintendent of Public Education, Commissioner of Higher
136 Education and Executive Director of the Mississippi Community
137 College Board, in accordance with Section 4 of this act.

138 **SECTION 4.** (1) The State Department of Health, in
139 consultation with the State Superintendent of Public Education,
140 Commissioner of Higher Education and Executive Director of the
141 Mississippi Community College Board, shall establish guidelines
142 for the development of a policy by local school districts and
143 postsecondary educational institutions for the administration of
144 CPR and the emergency use of an AED on a student, school personnel
145 or other person in cardiac arrest when a medical professional is
146 not available. The guidelines shall address issues including, but
147 not be limited to, the responsibilities of the school district or
148 postsecondary educational institution, the licensed medical
149 professional and the trained designee for the administration of
150 CPR and use of an AED. The department shall disseminate the
151 guidelines to the superintendent of each public school district



152 and the president of each public postsecondary educational
153 institution.

154 (2) The State Department of Education shall provide annual
155 trainings at each public school district and public postsecondary
156 educational institution on CPR instruction, automated external
157 defibrillator (AED) usage and training consistent with the policy
158 adopted by the school district or institution as required by this
159 act that aligns to the standard of training provided by the
160 licensed medical professional in accordance with guidelines
161 developed by the department, in consultation with the State
162 Superintendent of Public Education, Commissioner of Higher
163 Education and Executive Director of the Mississippi Community
164 College Board. Additionally, the department shall be authorized
165 to make an inspection of campus AEDs, at least twice annually, to
166 ensure proper functioning capability and to determine the need for
167 replacing or upgrading.

168 **SECTION 5.** (1) The State Department of Health shall adopt
169 rules regarding the maintenance, storage, testing and use of AEDs
170 in public schools and public postsecondary educational
171 institutions subject to a policy adopted under Section 3 of this
172 act. The rules must establish:

173 (a) The number of AEDs available at each school;

174 (b) The process to be used by each school district to
175 check the inventory and to conduct tests of AEDs at regular
176 intervals; and



177 (c) The amount of training required for personnel or
178 volunteers to administer CPR or use an AED.

179 (2) No licensed medical professional, trained designee, or
180 physician providing a prescription under a standing protocol for
181 in accordance with this act, shall be held liable for any good
182 faith act or omission committed in accordance with the provisions
183 of this act. Good faith shall not include willful misconduct,
184 gross negligence or recklessness.

185 **SECTION 6.** Nothing in this act shall be construed to:

186 (a) Permit a trained designee to perform the duties or
187 fill the position of a licensed medical professional;

188 (b) Prohibit the administration of CPR or use of an
189 AED; or

190 (c) Prevent a licensed and qualified member of a health
191 care profession from administering CPR or using an AED if the
192 duties are consistent with the accepted standards of the member's
193 profession.

194 **SECTION 7.** This act shall take effect and be in force from
195 and after July 1, 2022.

