

By: Senator(s) Boyd

To: Education

SENATE BILL NO. 2349
(As Sent to Governor)

1 AN ACT TO REQUIRE SCHOOL BOARDS AND CHARTER SCHOOLS TO
2 SUPPORT, ADOPT AND IMPLEMENT A CARDIAC EMERGENCY RESPONSE PLAN
3 THAT ADDRESSES THE APPROPRIATE USE OF SCHOOL PERSONNEL TO RESPOND
4 TO INCIDENTS INVOLVING AN INDIVIDUAL EXPERIENCING SUDDEN CARDIAC
5 ARREST OR A LIFE-THREATENING EMERGENCY WHILE ON SCHOOL GROUNDS OR
6 AT AN ATHLETIC EVENT; TO REQUIRE SCHOOLS TO WORK DIRECTLY WITH
7 LOCAL EMERGENCY SERVICE PROVIDERS; TO ENSURE SCHOOLS TRAIN STAFF
8 IN FIRST-AID, CPR AND AED USE; TO AMEND SECTION 73-25-37,
9 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCHOOL DISTRICTS, SCHOOL
10 DISTRICT EMPLOYEES OR AGENTS ACTING IN GOOD FAITH WHO PROVIDE
11 ASSISTANCE OR SERVICES UNDER THIS ACT SHALL BE IMMUNE FROM CIVIL
12 PROSECUTION; TO AMEND SECTION 41-60-33, MISSISSIPPI CODE OF 1972,
13 TO EXEMPT SCHOOL DISTRICT PERSONNEL FROM CERTAIN PREREQUISITES
14 THAT A MISSISSIPPI LICENSED PHYSICIAN MUST EXERCISE MEDICAL
15 CONTROL AUTHORITY OVER THE PERSON USING AN AED; AND FOR RELATED
16 PURPOSES.

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

18 **SECTION 1. Definitions.** The following terms shall have the
19 meanings ascribed herein:

20 (a) "Cardiac Emergency Response Plan (CERP)" shall mean
21 a written document that establishes the specific steps to reduce
22 death from cardiac arrest in any setting - be it a school,
23 community organization, workplace, or sports facility.

24 (b) "Automated External Defibrillator (AED)" shall mean
25 a lightweight, portable device that delivers an electric shock



26 through the chest to the heart. The shock can potentially stop an
27 irregular heartbeat (arrhythmia) and allow a normal rhythm to
28 resume following sudden cardiac arrest (SCA).

29 (c) "Sudden Cardiac Arrest (SCA)" means when the heart
30 malfunctions and stops beating unexpectedly, and if not treated
31 within minutes, it quickly leads to death.

32 **SECTION 2.** (1) Beginning in the 2024-2025 school year, each
33 public school shall develop a cardiac emergency response plan
34 (CERP) that addresses the appropriate use of school personnel to
35 respond to incidents involving an individual experiencing sudden
36 cardiac arrest or a similar life-threatening emergency while on
37 school grounds.

38 (2) Beginning in the 2024-2025 school year, each public
39 school with an athletic department or organized athletic program
40 shall develop a cardiac emergency response plan that addresses the
41 appropriate use of school personnel to respond to incidents
42 involving an individual experiencing sudden cardiac arrest or a
43 similar life-threatening emergency while attending or
44 participating in an athletic practice or event while on school
45 grounds.

46 (3) School officials shall work directly with local
47 emergency service providers to integrate the CERP into the
48 community's EMS responder protocols. Each plan shall integrate
49 evidence-based core elements, such as those recommended by the



50 American Heart Association guidelines or another nationally
51 recognized, evidence-based standard.

52 (4) The CERP shall integrate, at a minimum, the following
53 guidelines:

- 54 (a) Establishing a cardiac emergency response team;
- 55 (b) Activating the team in response to a SCA;
- 56 (c) A plan for implementing AED placement and routine
57 maintenance within the school;
- 58 (d) Disseminating the plan throughout the school
59 campus;
- 60 (e) Maintaining ongoing staff training in CPR/AED use;
- 61 (f) Practicing using drills annually;
- 62 (g) Integrating local EMS with the plan; and
- 63 (h) Ongoing and annual review and evaluation of the
64 plan.

65 (5) Appropriate AED placement shall be dictated by the CERP
66 and in accordance with guidelines set by the American Heart
67 Association or another nationally recognized, evidence-based
68 standard. A school or local and regional board of education may
69 accept gifts, grants and donations, including in-kind donations
70 designated for the purchase of an AED that meets the standards
71 established by the United States Food and Drug Administration and
72 for the costs incurred to inspect and maintain such device and
73 train staff in the use of such device.



74 (6) Appropriate school staff shall be trained in first-aid,
75 CPR, and AED use that follow evidence-based guidelines set forth
76 by the American Heart Association or another nationally
77 recognized, evidence-based standard. Staff trained shall be
78 determined by the CERP, including, but not limited to, licensed
79 coaches, school nurses and athletic trainers.

80 **SECTION 3.** Section 73-25-37, Mississippi Code of 1972, is
81 amended as follows:

82 73-25-37. (1) No duly licensed, practicing physician,
83 physician assistant, dentist, registered nurse, licensed practical
84 nurse, certified registered emergency medical technician, or any
85 other person who, in good faith and in the exercise of reasonable
86 care, renders emergency care to any injured person at the scene of
87 an emergency, or in transporting the injured person to a point
88 where medical assistance can be reasonably expected, shall be
89 liable for any civil damages to the injured person as a result of
90 any acts committed in good faith and in the exercise of reasonable
91 care or omissions in good faith and in the exercise of reasonable
92 care by such persons in rendering the emergency care to the
93 injured person.

94 (2) (a) Any person who in good faith, with or without
95 compensation, renders emergency care or treatment by the use of an
96 Automated External Defibrillator (AED) in accordance with the
97 provisions of Sections 41-60-31 through 41-60-35, as well as the
98 person responsible for the site where the AED is located if the



99 person has provided for compliance with the provisions of Sections
100 41-60-31 through 41-60-35, shall be immune from civil liability
101 for any personal injury as a result of that care or treatment, or
102 as a result of any act, or failure to act, in providing or
103 arranging further medical treatment, where the person acts as an
104 ordinary, reasonably prudent person would have acted under the
105 same or similar circumstances and the person's actions or failure
106 to act does not amount to willful or wanton misconduct or gross
107 negligence.

108 (b) A person who has not complied with the provisions
109 of Sections 41-60-31 through 41-60-35, but who has access to an
110 AED and uses it in good faith in an emergency as an ordinary
111 prudent person would have done in the same or similar
112 circumstances, shall be immune from civil liability for any
113 personal injury as a result of an act or omission related to the
114 operation of or failure to operate an AED if the person's actions
115 or failure to act do not amount to willful or wanton misconduct or
116 gross negligence.

117 (c) A school district, school district employee or
118 agent acting in good faith who provides assistance or services
119 under this act shall be immune from civil prosecution and shall
120 not be liable in any action for civil damages in his or her
121 individual, marital, governmental, corporate or other capacity as
122 a result of the services provided under Sections 1 and 2 of this
123 act.



124 (3) Any employee of a local public school district, a
125 private school, or parochial school, trained in the administration
126 of auto-injectable epinephrine, who provides, administers, or
127 assists in the administration of auto-injectable epinephrine, in
128 accordance with the provisions of Section 37-11-71, to a student
129 believed in good faith to be having an anaphylactic reaction,
130 shall be immune from civil liability for any personal injury as a
131 result of that care or treatment if the employee's actions or
132 failure to act do not amount to willful or wanton misconduct or
133 gross negligence.

134 (4) The immunity from civil liability for any personal
135 injury under subsection (2) of this section includes the licensed
136 physician who authorizes, directs or supervises the installation
137 or provision of AED equipment in or on any premises or conveyance
138 other than a medical facility, the owner of the premises where an
139 AED is used, the purchaser of the AED, a person who uses an AED
140 during an emergency for the purpose of attempting to save the life
141 of another person who is or who appears to be in cardiac arrest,
142 and the person who provides the CPR and AED training.

143 (5) The immunity from civil liability for any personal
144 injury under subsection (3) of this section includes the licensed
145 physician who prescribes the auto-injectable epinephrine, the
146 school district, or any other entity, that legally obtained the
147 auto-injectable epinephrine, and the person who provides the
148 training in the administration of auto-injectable epinephrine.



149 (6) The immunity from civil liability under subsection (2)
150 and subsection (3) of this section does not apply if the personal
151 injury results from the gross negligence or willful or wanton
152 misconduct of the person rendering the emergency care.

153 (7) Except in cases of gross negligence or willful
154 misconduct, civil immunity shall apply to any licensed physician
155 or licensed pharmacist who prescribes or makes recommendation to
156 an eligible patient regarding prescription for or treatment with
157 an investigational drug, biological product or device under the
158 provisions of Section 41-131-1, and the State Board of Medical
159 Licensure and/or the State Board of Pharmacy, as the case may be,
160 shall be prohibited from taking any adverse action against the
161 license of such physician or pharmacist based solely on the
162 physician's action under the provisions of Section 41-131-1.

163 **SECTION 4.** Section 41-60-33, Mississippi Code of 1972, is
164 amended as follows:

165 41-60-33. (1) Any person may use an automated external
166 defibrillator for the purpose of saving the life of another person
167 in sudden cardiac death, subject to the following requirements:

168 (a) A Mississippi licensed physician must exercise
169 medical control authority over the person using the AED to ensure
170 compliance with requirements for training, emergency medical
171 services (EMS) notification and maintenance;

172 (b) The person using the AED must have received
173 appropriate training in cardiopulmonary resuscitation (CPR) and in



174 the use of an AED by the American Heart Association, American Red
175 Cross, National Safety Council or other nationally recognized
176 course in CPR and AED use;

177 (c) The AED must not operate in a manual mode except
178 when access control devices are in place or when appropriately
179 licensed individuals such as registered nurses, physicians or
180 emergency medical technician-paramedics utilize the AED; and

181 (d) Any person who renders emergency care or treatment
182 on a person in sudden cardiac death by using an AED must activate
183 the EMS system as soon as possible, and report any clinical use of
184 the AED to the licensed physician.

185 (2) All public schools and charter schools shall be exempt
186 from the provisions of this section when acting in accordance with
187 Sections 1 and 2 of this act.

188 **SECTION 5.** This act shall take effect and be in force from
189 and after July 1, 2024.

