



## **MEMBER ALERT**

### **AED/Defibrillators**

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.

**AB 2009 – Interscholastic Athletic Programs 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 programs 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.

**Interscholastic Activities as defined by CDE states: Under Education Code 35179 (f) school sports teams qualify as an interscholastic athletic program.**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB2009](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2009)

**In addition: AB 1766 – Swimming Pools: Public safety**

**All Public Swimming Pools, where admission fees are charged, must now have an automated external defibrillator onsite commencing January 1, 2019.**

This bill requires all public swimming pools to have an Automated External Defibrillator ("AED") onsite. This bill applies to all artificial public swimming pools, as opposed to public lakes or rivers, where an entrance fee is charged. Currently, public agencies are required to provide lifeguards during pool operations. Agencies will now be required to also provide AEDs, which are portable electronic devices used to deliver an electrical shock, or defibrillation, during life-threatening cardiac arrest. The bill also requires the State Department of Education, in consultation with the State Department of Public Health, to issue best practices guidelines for pool safety at K-12 schools.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB1766](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1766)

**Civil Code:** Section 1714.21 of the Civil Code provides immunity to an individual who renders emergency care with the use of an AED provided they have been properly trained and follow their training. This section also provides immunity to an individual who provides training to a person who renders emergency care by the use of an AED. The section goes on to state that a person or entity will not be liable for any civil damages as long as the person or entity has complied with the requirements of subdivision (b) of Section 1797.196 of the Health & Safety Code.

**Education Code:** Section 49417 was added to the Education Code as a result of the passage of AB 2217 which was approved by the Governor on September 29, 2014. Under Section 49417 employees of a school district are immune from liability per Section 1714.21 of the Civil Code. In addition, Section 49417 also affords immunity to a public school or school district that complies with the requirements under Section 1797.196 of the Health and Safety Code which then triggers the application of Section 1714.21 of the Civil Code thereby affording immunity to the public school or school district.

**Health and Safety Code,** Section 1797.196 addresses the requirement for individuals and entities who acquire, install and use an AED on school premises. Our member school districts should review Section before considering the implementation of an AED program as the requirements for the operation and maintenance of these devices are stringent.

**REQUIREMENTS:**

- The AED must be checked for readiness after each use and at least once every 30 days if the device has not been used in the preceding 30 days.
- No less than one employee per AED unit (up to five units) must receive training for cardiopulmonary resuscitation (CPR) and AED use that complies with the regulations adopted by the Emergency Medical Service Authority and the standards of the American Heart Association or the American Red Cross.
- There must be a written plan that describes the procedures to be followed in the event of an emergency that involves the use of an AED.
- School administrators and staff must receive a brochure **on an annual basis** that describes the proper use of the AED.
- Each school site where an AED is installed must have at least one trained staff member available to utilize the AED during normal school operating hours, which includes time during any school sponsored activities.

**Your district's administrative legal counsel should be consulted** to be certain your district is in compliance with all appropriate regulations, including those under Title 22 of the California Code of Regulations, Section 100041, and that all board policies related to the use of AEDs are written properly.

In the event your district decides on the placement of AEDs on your districts campuses, we recommend you contact your local American Red Cross, American Heart Association, fire department or hospital to seek guidance about the purchase of AEDs and/or the implementation of an AED program.

**PLEASE NOTE: Physio Control does annual device tracking audits of the AED devices.  
Please contact them if you destroy, donate or no longer have this device in your possession.  
(425) 867-4120**

Please let me know if you have further questions regarding AED/Defibrillators.

Thank you,  
Norma Wallace  
Executive Director