

CHAPTER 113

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 05-170

BY SENATOR(S) Spence, Fitz-Gerald, Gordon, Groff, and Tapia;
 also REPRESENTATIVE(S) Paccione, Balmer, Benefield, Berens, Borodkin, Coleman, Green, Madden, Marshall, Merrifield,
 Rose, and Todd.

AN ACT

**CONCERNING AUTOMATED EXTERNAL DEFIBRILLATORS, AND, IN CONNECTION THEREWITH, REQUIRING
 THE ACCEPTANCE OF DONATIONS BY SCHOOL DISTRICTS TO ACQUIRE AUTOMATED EXTERNAL
 DEFIBRILLATORS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 1 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-1-125. Automated external defibrillators in public schools. (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENCOURAGE SCHOOL DISTRICTS TO ACQUIRE AND MAINTAIN AUTOMATED EXTERNAL DEFIBRILLATORS ON PUBLIC SCHOOL GROUNDS. THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE BEST INTEREST OF STUDENTS, STAFF, AND VISITORS TO A PUBLIC SCHOOL TO ENSURE THAT AUTOMATED EXTERNAL DEFIBRILLATORS ARE AVAILABLE IN PUBLIC SCHOOLS FOR USE IN EMERGENCY SITUATIONS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AUTOMATED EXTERNAL DEFIBRILLATOR" SHALL HAVE THE SAME DEFINITION AS PROVIDED IN SECTION 13-21-108.1 (2) (a), C.R.S.

(3) (a) EACH SCHOOL DISTRICT IS ENCOURAGED TO ACQUIRE AN AUTOMATED EXTERNAL DEFIBRILLATOR FOR PLACEMENT IN EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT AND IN EACH ATHLETIC FACILITY MAINTAINED BY THE SCHOOL DISTRICT AT A LOCATION SEPARATE FROM A PUBLIC SCHOOL.

(b) A SCHOOL DISTRICT SHALL ACCEPT A DONATION OF AN AUTOMATED EXTERNAL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DEFIBRILLATOR THAT MEETS STANDARDS ESTABLISHED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AND IS IN COMPLIANCE WITH THE MANUFACTURER'S MAINTENANCE SCHEDULE. A SCHOOL DISTRICT SHALL ALSO ACCEPT GIFTS, GRANTS, AND DONATIONS, INCLUDING IN-KIND DONATIONS, DESIGNATED FOR OBTAINING AN AUTOMATED EXTERNAL DEFIBRILLATOR, AND FOR INSPECTION, MAINTENANCE, AND TRAINING IN THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR AS REQUIRED IN SUBSECTION (5) OF THIS SECTION.

(c) ANY AUTOMATED EXTERNAL DEFIBRILLATOR ACQUIRED BY A SCHOOL DISTRICT SHALL BE APPROPRIATE FOR USE ON CHILDREN AND ADULTS.

(4) USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR DONATED TO OR PURCHASED BY A SCHOOL DISTRICT IS LIMITED TO SCHOOL PROPERTY AND SCHOOL EVENTS.

(5) TO ENSURE PUBLIC HEALTH AND SAFETY, A SCHOOL DISTRICT THAT ACQUIRES AN AUTOMATED EXTERNAL DEFIBRILLATOR SHALL MEET THE TRAINING, MAINTENANCE, INSPECTION, AND PHYSICIAN INVOLVEMENT REQUIREMENTS SET FORTH IN SECTION 13-21-108.1 (3), C.R.S., AND SHALL REFERENCE THE REQUIREMENTS OF THAT SECTION IN THE SCHOOL DISTRICT'S CRISIS MANAGEMENT POLICY PURSUANT TO SECTION 22-32-109.1 (4).

(6) PURSUANT TO SECTION 13-21-108.1 (4), C.R.S., A PERSON OR ENTITY WHOSE PRIMARY DUTIES DO NOT INCLUDE THE PROVISION OF HEALTH CARE AND WHO, IN GOOD FAITH AND WITHOUT COMPENSATION, RENDERS EMERGENCY CARE OR TREATMENT BY THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS MADE IN GOOD FAITH AS A RESULT OF SUCH CARE OR TREATMENT OR AS A RESULT OF ANY ACT OR FAILURE TO ACT IN PROVIDING OR ARRANGING FURTHER MEDICAL TREATMENT, UNLESS THE ACTS OR OMISSIONS ARE GROSSLY NEGLIGENT OR WILLFUL AND WANTON.

(7) THE REQUIREMENTS OF SUBSECTION (5) OF THIS SECTION SHALL NOT APPLY TO AN INDIVIDUAL USING AN AUTOMATED EXTERNAL DEFIBRILLATOR DURING A MEDICAL EMERGENCY IF THAT INDIVIDUAL IS ACTING AS A GOOD SAMARITAN UNDER SECTION 13-21-108, C.R.S.

SECTION 2. 13-21-108.1 (3) (a) (I), Colorado Revised Statutes, is amended to read:

13-21-108.1. Persons rendering emergency assistance through the use of automated external defibrillators - limited immunity. (3) (a) In order to ensure public health and safety, a person or entity who acquires an AED shall ensure that:

(I) Expected AED users receive training in cardiopulmonary resuscitation (CPR) and AED use through a course THAT MEETS NATIONALLY RECOGNIZED STANDARDS AND IS approved by the department of public health and environment;

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine

die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 26, 2005