

CHAPTER 215

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 14-1276

BY REPRESENTATIVE(S) Primavera, Exum, Fields, Fischer, Ginal, Hamner, Hullinghorst, Labuda, Lebsock, Moreno, Peniston, Rosenthal, Ryden, Tyler, Williams, Young, Becker, McLachlan, Schafer;
 also SENATOR(S) Hodge, Aguilar, Cadman, Crowder, Guzman, Heath, Herpin, Jahn, Johnston, Jones, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Roberts, Schwartz, Tochtrop, Todd, Ulibarri, Zenzinger, Carroll.

AN ACT
CONCERNING INSTRUCTION IN CARDIOPULMONARY RESUSCITATION IN PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Heart disease affects men, women, and children of every age and race in the United States and continues to be the leading cause of death in America;

(b) Approximately two hundred ninety-five thousand emergency medical services-treated, out-of-hospital cardiac arrests occur annually nationwide, and roughly ninety-two percent of out-of-hospital sudden cardiac arrest victims do not survive;

(c) Sudden cardiac arrest results from an abnormal heart rhythm in most adults, often ventricular fibrillation;

(d) An automated external defibrillator, or "AED", even when used by a bystander, is safe, easy to operate, and, if used immediately after the onset of sudden cardiac arrest, is highly effective in terminating ventricular fibrillation so that the heart can resume a normal, effective rhythm;

(e) Prompt delivery of cardiopulmonary resuscitation, or "CPR", more than doubles a victim's chance of survival by helping to maintain vital blood flow to the heart and brain, increasing the amount of time in which an electric shock from a

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 may be effective;

(f) Unfortunately, only thirty-two percent of out-of-hospital cardiac arrest victims receive bystander CPR;

(g) For every minute without bystander CPR, survival from witnessed cardiac arrest decreases seven to ten percent;

(h) Because the interval between a 911 telephone call and the arrival of emergency medical services personnel is usually longer than five minutes, a cardiac arrest victim's survival is likely to depend on a member of the public trained in CPR and the use of an AED and access to these life-saving measures;

(i) Training high school students on the effective implementation of CPR and the use of defibrillators is an effective way to increase the number of Coloradans capable of performing CPR and using an AED to save lives;

(j) Further, because public high schools' coaching staffs are often the first line of defense when a student athlete experiences cardiac arrest, coaches and athletic trainers have saved and will continue to save lives through the effective implementation of CPR and the use of defibrillators;

(k) For example, Thompson Valley High School coaches Jay Denning and Chad Raabe saved the life of Tommy Lucero, a high school freshman and baseball player who went into cardiac arrest during baseball practice; and

(l) Requiring coaching staff to obtain instruction in the effective implementation of CPR and use of an AED is an effective way to reduce risk to student athletes and to increase the number of adults in public schools who are able to apply and use these life-saving measures.

(2) Therefore, the general assembly declares that it is in the best interests of Colorado to create a grant program whereby public high schools have access to grant moneys to provide hands-on training for students in CPR and the use of an AED.

SECTION 2. In Colorado Revised Statutes, **add 22-1-129** as follows:

22-1-129. Instruction in cardiopulmonary resuscitation and the use of automated external defibrillators - grants - fund created - definitions - rules.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(b) "FUND" MEANS THE SCHOOL CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR TRAINING FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

(c) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5

OF THIS TITLE, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

(d) "PSYCHOMOTOR SKILLS DEVELOPMENT" MEANS THE USE OF HANDS-ON PRACTICE THAT SUPPORTS COGNITIVE LEARNING.

(e) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(2) ON AND AFTER SEPTEMBER 1, 2014, EACH LOCAL EDUCATION PROVIDER MAY APPLY FOR A GRANT OR GRANTS TO PROVIDE INSTRUCTION TO STUDENTS IN ANY OF GRADES NINE THROUGH TWELVE AND SCHOOL STAFF IN ANY OF GRADES NINE THROUGH TWELVE IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR. THE INSTRUCTION FUNDED PURSUANT TO THIS SECTION MUST INCLUDE A NATIONALLY RECOGNIZED, PSYCHOMOTOR-SKILLS-BASED INSTRUCTIONAL PROGRAM THAT REFLECTS CURRENT, NATIONAL, EVIDENCE-BASED, EMERGENCY CARDIOVASCULAR CARE GUIDELINES FOR CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR. THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM PURSUANT TO STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(3) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING THE GRANTS AWARDED PURSUANT TO THIS SECTION, WHICH RULES MUST INCLUDE, AT A MINIMUM:

(a) THE PROCESS BY WHICH A LOCAL EDUCATION PROVIDER MAY APPLY FOR AND RECEIVE GRANT MONEYS PURSUANT TO THIS SECTION, INCLUDING APPLICATION REQUIREMENTS AND DEADLINES;

(b) THE NUMBER AND AMOUNT OF EACH GRANT AND WHETHER GRANTS MONEYS WILL BE AWARDED IN THE ORDER APPLICATIONS ARE RECEIVED OR THROUGH SOME OTHER METHOD;

(c) THE PROCESS FOR ACHIEVING A BALANCED DISTRIBUTION OF GRANT MONEYS TO APPLICANTS INCLUDING RURAL, URBAN, AND SUBURBAN LOCAL EDUCATION PROVIDERS; AND

(d) PROCEDURES FOR MONITORING A LOCAL EDUCATION PROVIDER'S COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND SPECIFICALLY THAT MONEYS AWARDED PURSUANT TO THIS SECTION ARE USED FOR REASONABLE COSTS ASSOCIATED WITH PSYCHOMOTOR-SKILLS-BASED CARDIOPULMONARY RESUSCITATION TRAINING AND TRAINING ON THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS, INCLUDING BUT NOT LIMITED TO TRAINING MATERIALS AND THE TEMPORARY EMPLOYMENT OF CARDIOPULMONARY RESUSCITATION INSTRUCTORS OR OTHER TRAINERS QUALIFIED TO TEACH SKILLS-BASED CARDIOPULMONARY RESUSCITATION TRAINING.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT SHALL NOT AWARD ANY GRANTS PURSUANT TO THIS

SECTION UNLESS THE DEPARTMENT DETERMINES THAT THERE ARE SUFFICIENT MONEYS IN THE FUND TO IMPLEMENT THE PROGRAM.

(5) (a) THERE IS CREATED IN THE STATE TREASURY THE SCHOOL CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR TRAINING FUND. THE FUND CONSISTS OF:

(I) TWO HUNDRED FIFTY THOUSAND DOLLARS, WHICH THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE FUND ON THE EFFECTIVE DATE OF THIS SECTION;

(II) ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY APPROPRIATES TO IT; AND

(III) ANY GIFTS, GRANTS, OR DONATIONS CREDITED TO THE FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5).

(b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. NOTHING IN THIS SECTION REQUIRES THE DEPARTMENT TO SOLICIT MONEYS FOR PURPOSES OF IMPLEMENTING THIS SECTION.

(c) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSE OF AWARDED GRANTS ALLOWED BY THIS SECTION AND FOR THE DEPARTMENT'S REASONABLE AND NECESSARY ADMINISTRATIVE EXPENSES ASSOCIATED WITH IMPLEMENTATION OF THIS SECTION. THE DEPARTMENT'S ADMINISTRATIVE EXPENSES FOR A FISCAL YEAR SHALL NOT EXCEED TWO PERCENT OF THE MONEY TRANSFERRED OR APPROPRIATED TO THE FUND IN THE FISCAL YEAR.

(d) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

SECTION 3. In Colorado Revised Statutes, add 22-1-125.5 as follows:

22-1-125.5. Requirement for certification of public school athletic coaches in cardiopulmonary resuscitation - use of automated external defibrillators - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CURRENTLY CERTIFIED IN CPR" MEANS THAT THE PERSON HAS COMPLETED

TRAINING IN CARDIOPULMONARY RESUSCITATION FROM A NATIONALLY RECOGNIZED EVIDENCE-BASED CERTIFICATION PROGRAM WITHIN THE PRECEDING TWO YEARS.

(b) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

(c) "STATE BOARD OF EDUCATION" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(2) NO LATER THAN JANUARY 1, 2015, COACHES OF ATHLETIC PROGRAMS EMPLOYED BY LOCAL EDUCATION PROVIDERS MUST BE CURRENTLY CERTIFIED IN CPR AND MUST HAVE RECEIVED INSTRUCTION IN THE EFFECTIVE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR. THE STATE BOARD SHALL PROMULGATE RULES CONCERNING THE COACHING STAFF POSITIONS THAT ARE INCLUDED IN THIS REQUIREMENT.

(3) NOTHING IN THIS SECTION ABROGATES OR LIMITS:

(a) THE PROTECTIONS APPLICABLE TO:

(I) ANY PERSON OR ENTITY THAT RENDERS EMERGENCY ASSISTANCE THROUGH THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR PURSUANT TO SECTION 13-21-108.1, C.R.S.; OR

(II) VOLUNTEERS AND BOARD MEMBERS PURSUANT TO SECTIONS 13-21-115.7 AND 13-21-116, C.R.S.; OR

(b) THE LIMITS OR PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.

SECTION 4. Appropriation - adjustments to 2014 long bill. For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$250,000.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the school cardiopulmonary resuscitation and automated external defibrillator training fund created in section 22-1-129, Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of \$250,000 and 0.3 FTE, or so much thereof as may be necessary, for allocation to grant programs, distributions, and other assistance for implementation of this act.

SECTION 6. Act subject to petition - effective date. This act takes effect at

12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 16, 2014