

PUBLIC CHAPTER NO. 795**HOUSE BILL NO. 2775**

**By Representatives Harry Brooks, Moore, Hackworth, Maddox, Lollar,
Maggart, Shaw, Bone**

Substituted for: Senate Bill No. 2828

By Senators Bunch, Haynes, Marrero

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The general assembly recognizes that cardiac incidents can happen to any person at any age, often without warning. Survivability of cardiac incidents is largely dependent upon the victim receiving care in a timely and proficient manner. One of the largest centers of people in a community on a daily basis is the public school. It is fitting that the general assembly encourage local educational agencies to provide automated external defibrillators in schools to provide additional safeguards against loss of life from sudden cardiac incidents.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding a new section thereto, as follows:

§ 49-2-122.

(a) LEAs are encouraged, within existing budgetary limits, to place automated external defibrillator (AED) devices in schools.

(b) Any school that receives an AED shall comply with all provisions of title 68, chapter 140, part 7, relative to training, establishment of a written plan that complies with § 68-140-704, notification and other requirements. Any LEA that places AEDs in schools shall comply with the provisions of § 68-140-704 as to the maintenance and testing of the AEDs to ensure that the devices are in optimal operating condition.

(c) Each placement of an AED shall be supervised and endorsed by a physician with an unrestricted license to practice medicine or osteopathy in Tennessee. AEDs shall be placed in locations that are accessible during emergency situations. AEDs shall not be placed in an office that is not accessible to any person who might need to use the AED or in any location that is locked during times that students, parents or school employees are present at school or school events.

(d) AEDs placed in schools shall be registered with local emergency medical services providers as required by § 68-140-703(2) and § 68-140-704(6).

(e) LEAs and schools responsible for an AED program pursuant to § 68-140-704(1) shall not be liable for any civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence if the applicable provisions and program established under § 68-140-704 and the rules adopted by the department pursuant to § 68-140-705 have been met by the LEA and school and have been followed by the individuals using the AED.

(f) A teacher, school employee, or other person employed by the LEA responsible for an AED program pursuant to § 68-140-704(1) shall not be liable for any civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence if the applicable provisions and program established under § 68-140-704 and the rules adopted by the department pursuant to § 68-140-705 have been met by the LEA and school and have been followed by the individuals using the AED.

SECTION 3. Nothing in this act shall compel any LEA to purchase, use, or permit the use of any AED device. LEAs shall fund AED devices and the maintenance of such devices, if purchased, from existing local resources or may accept non-governmental funds for such purposes. No funding received by the LEA from the state shall be allocated or expended for the purchase or maintenance of AEDs.

SECTION 4. Misuse or abuse of any AED device on school property by a student is disorderly conduct and such student shall be subject to disciplinary action.

SECTION 5. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: April 10, 2008


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 23rd day of April 2008



PHIL BREDESEN, GOVERNOR