

CHAPTER 165**(HB 331)**

AN ACT relating to the emergency medical preparedness of schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 158.162 is amended to read as follows:

- (1) As used in this section:
 - (a) "Emergency management response plan" or "emergency plan" means a written document to prevent, mitigate, prepare for, respond to, and recover from emergencies; and
 - (b) "First responders" means local fire, police, and emergency medical personnel.
- (2) (a) Each local board of education shall require the school council or, if none exists, the principal in each school building in its jurisdiction to adopt an emergency plan. **The emergency plan shall**~~[-to-]~~ include:
 1. Procedures to be followed in case of **medical emergency**, fire, severe weather,~~[-or-]~~ earthquake, or~~[-if-]~~ a building lockdown as defined in KRS 158.164;~~[-is required-]~~
 2. **A written cardiac emergency response plan; and**
 - 3.~~[(b)]~~~~Following adoption, the emergency plan, along with~~ A diagram of the facility~~[-]~~ **that clearly identifies the location of each automated external defibrillator.**
 - (b) **The emergency plan** shall be provided to appropriate first responders **and all school staff.**
 - (c) The emergency plan shall be reviewed following the end of each school year by the **school nurse**, school council, the principal, and first responders and ~~[-shall be-]~~ revised as needed.
 - (d) The principal shall discuss the emergency plan with all school staff prior to the first instructional day of each school year and~~[-shall-]~~ document the time and date of any discussion.
 - (e) **The cardiac emergency response plan shall be rehearsed by simulation prior to the beginning of each athletic season by all:**
 1. **Licensed athletic trainers, school nurses, and athletic directors; and**
 2. **Interscholastic coaches and volunteer coaches of each athletic team active during that athletic season.**
 - (f) The emergency plan~~[-and diagram of the facility-]~~ shall be excluded from the application of KRS 61.870 to 61.884.
- (3) Each local board of education shall require the school council or, if none exists, the principal in each school building to:
 - (a) Establish primary and secondary evacuation routes for all rooms located within the school and shall post the routes in each room by any doorway used for evacuation;
 - (b) Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of safe zones in each room of the school;
 - (c) Develop practices for students to follow during an earthquake; ~~[-and-]~~
 - (d) Develop and adhere to practices to control the access to each school building. Practices shall include but not be limited to:
 1. Controlling outside access to exterior doors during the school day;
 2. Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
 3. Controlling access to individual classrooms;

4. Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
 5. Requiring classroom doors to remain closed and locked during instructional time, except:
 - a. In instances in which only one (1) student and one (1) adult are in the classroom; or
 - b. When approved in writing by the state school security marshal;
 6. Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
 7. Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
 8. Providing a visitor's badge to be visibly displayed on a visitor's outer garment;
- (e) ***Maintain a portable automated external defibrillator in a public, readily accessible, well-marked location in every middle and high school building and, as funds become available, at school-sanctioned middle and high school athletic practices and competitions and:***
1. ***Adopt procedures for the use of the portable automated external defibrillator during an emergency;***
 2. ***Adopt policies for compliance with KRS 311.665 to 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;***
 3. ***Ensure that a minimum of three (3) employees in the school and all interscholastic athletic coaches be trained on the use of a portable automated external defibrillator in accordance with KRS 311.667; and***
 4. ***Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and***
- (f) ***Require development of an event-specific emergency action plan for each school-sanctioned nonathletic event held off-campus to be used during a medical emergency, which may include the provision of a portable automated external defibrillator. The plan shall:***
1. ***Include a delineation of the roles of staff and emergency personnel, methods of communication, any assigned emergency equipment including a portable automated external defibrillator, a cardiac emergency response plan, and access to and plan for emergency transport; and***
 2. ***Be in writing and distributed to any member of school personnel attending the school-sanctioned event in an official capacity.***
- (4) All schools shall be in compliance with the provisions of subsection (3)(d) of this section~~{ as soon as practicable but }~~ no later than July 1, 2022.
- (5) (a) Each local board of education shall require the principal in each public school building in its jurisdiction to conduct, at a minimum, emergency response drills to include:
1. One (1) severe weather drill, one (1) earthquake drill, and one (1) lockdown drill within the first thirty (30) instructional days of each school year and again during the month of January; ***and***
 2. ***The emergency response plan rehearsal by simulation required by subsection (2) of this section and the venue-specific emergency action plan rehearsal by simulation required by subsection (5) of Section 4 of this Act prior to the beginning of each athletic season.***
- (b) Required fire drills shall be conducted according to administrative regulations promulgated by the Department of Housing, Buildings and Construction. Whenever possible, first responders shall be invited to observe emergency response drills.
- (6) No later than November 1 of each school year, a local district superintendent shall send verification to the Kentucky Department of Education that all schools within the district are in compliance with the requirements of this section.
- (7) A district with a school not in compliance with the requirements of subsection (3)(d) of this section by July 1, 2022, shall not be eligible for approval by the Kentucky Department of Education for new building

construction or expansion in the 2022-2023 school year and any subsequent year without verification of compliance, except for facility improvements that specifically address the school safety and security requirements of this section, when deemed necessary for the protection of student or staff health and safety, or to comply with other legal requirements or orders.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) ***By August 1 of each year, each school district shall report to the Kentucky Department of Education on the number of portable automated external defibrillators at each school within the district.***
- (2) ***By October 1 of each year, the Kentucky Department of Education shall publish a report on the number of portable automated external defibrillators in Kentucky public schools by school and school district to the department's website and submit the report to the General Assembly's Interim Joint Committee on Education and Interim Joint Committee on Health, Welfare, and Family Services.***

➔Section 3. KRS 158.302 is amended to read as follows:

- (1) The General Assembly hereby finds that training Kentucky students in cardiopulmonary resuscitation procedures will:
 - (a) Increase students' ability to respond to emergency situations at school, home, and public places;
 - (b) Benefit Kentucky communities by rapidly increasing the number of people ready to respond to sudden cardiac arrest, a leading cause of death in the United States; and
 - (c) Assist students in becoming responsible citizens consistent with the goals established in KRS 158.6451.
- (2) Every public high school shall provide cardiopulmonary resuscitation training to students as part of the health course or the physical education course that is required for high school graduation or the Junior Reserve Officers Training Corps course that meets the physical education requirement. The training shall:
 - (a) Be based on the ~~{American Heart Association's guidelines for CPR and Emergency Cardiovascular Care or other}~~ nationally recognized, evidenced-based guidelines ***for cardiopulmonary resuscitation certification published by a national accrediting body on heart health;***
 - (b) Incorporate psychomotor skills training to support cognitive learning; and
 - (c) Make students aware of the purpose of an automated external defibrillator and its ease and safety of use.
- (3) The training does not have to be provided by a certified instructor or result in students being certified in cardiopulmonary resuscitation.
- (4) A school administrator may waive the requirement that a student receive instruction under subsection (2) of this section if the student has a disability or is physically unable to perform the psychomotor skills component of the instruction required.
- ~~{(5) This section shall not be construed to require a school to have an automated external defibrillator on its premises, although having one available for emergencies is encouraged.}~~

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) ***There is hereby created a trust and agency account to be known as the School AED Fund to be administered by the Cabinet for Health and Family Services, in collaboration with the Department of Education. Amounts deposited in the fund shall be used for the purpose of awarding needs-based grants to public schools for:***
 - (a) ***The purchase and maintenance of portable automated external defibrillators; and***
 - (b) ***The provision of cardiopulmonary resuscitation training.***
- (2) ***The School AED Fund shall consist of any:***
 - (a) ***Appropriations designated for the fund;***
 - (b) ***Funds, grants, and receipts from fundraising activities on behalf of the fund; and***
 - (c) ***Other moneys made available for the purposes of the fund.***
- (3) ***Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.***

- (4) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
- (5) *Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*
- (6) *Nothing in this section shall be interpreted to restrict the ability of a school or school district to accept direct private donations for the purchase or maintenance of an automated external defibrillator.*

➔ Section 5. KRS 160.445 is amended to read as follows:

- (1) (a) The Kentucky Board of Education or organization or agency designated by the board to manage interscholastic athletics shall require each interscholastic coach to complete a sports safety course consisting of training on how to prevent common injuries. The content of the course shall include but not be limited to emergency planning, heat and cold illnesses, emergency recognition, head injuries including concussions, neck injuries, facial injuries, **cardiopulmonary resuscitation, use of a portable automated external defibrillator in accordance with KRS 311.667**, and principles of first aid. The course shall also be focused on safety education and shall not include coaching principles.
- (b) The state board or its agency shall:
 - 1. Establish a minimum timeline for a coach to complete the course;
 - 2. Approve providers of a sports safety course;
 - 3. Be responsible for ensuring that an approved course is taught by qualified professionals who shall either be athletic trainers, registered nurses, physicians, or physician's assistants licensed to practice in Kentucky;~~{ and }~~
 - 4. Establish the minimum qualifying score for successful course completion; **and**
 - 5. **Require a coach to earn a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health.**
- (c) A course shall be reviewed for updates at least once every thirty (30) months and revised if needed.
- (d) A course shall be able to be completed through hands-on or online teaching methods in ten (10) clock hours or less.
- (e)
 - 1. A course shall include an end-of-course examination with a minimum qualifying score for successful course completion established by the board or its agency.
 - 2. All coaches shall be required to take the end-of-course examination and shall obtain at least the minimum qualifying score.
- (f) ~~{Beginning with the 2009-2010 school year, and each year thereafter, }~~At least one (1) person who has completed the course shall be at every interscholastic athletic practice and competition.
- (2) (a) ~~{Beginning with the 2012-2013 school year, and each year thereafter, }~~The state board or its agency shall require each interscholastic coach to complete training on how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion. The training shall be approved by the state board or its agency and may be included in the sports safety course required under subsection (1)(a) of this section.
- (b) The board or its agency shall develop guidelines and other pertinent information or adopt materials produced by other agencies to inform and educate student athletes and their parents or legal guardians of the nature and risk of concussion and head injury, including the continuance of play after concussion or head injury. Any required physical examination and parental authorization shall include acknowledgement of the education information required under this paragraph.
- (c) Upon request, the board or its agency shall make available to the public any training materials developed by the board or agency used to satisfy the requirements of paragraph (a) of this subsection. The board or its agency shall not be held liable for the use of any training materials so disseminated.
- (3) (a) A student athlete suspected by an interscholastic coach, school athletic personnel, or contest official of sustaining a concussion during an athletic practice or competition shall be removed from play at that time and shall not return to play prior to the ending of the practice or competition until the athlete is evaluated to determine if a concussion has occurred. The evaluation shall be completed by a physician or a licensed health care provider whose scope of practice and training includes the evaluation and

management of concussions and other brain injuries. A student athlete shall not return to play on the date of a suspected concussion absent the required evaluation.

- (b) 1. Upon completion of the required evaluation, a coach:
 - a. May return a student athlete to play if the physician or licensed health care provider determines that no concussion has occurred; or
 - b. Shall not return a student athlete to play if the physician or licensed health care provider determines that a concussion has occurred.
- 2. If no physician or licensed health care provider described in paragraph (a) of this subsection is present at the practice or competition to perform the required evaluation, a coach shall not return a student athlete to play who is suspected of sustaining a concussion. The student athlete shall not be allowed to participate in any subsequent practice or athletic competition unless written clearance from a physician is provided.
- (c) A student athlete deemed to be concussed shall not return to participate in any athletic practice or competition occurring on the day of the injury. The injured student athlete shall not be allowed to participate in any subsequent practice or athletic competition unless written clearance from a physician is provided.
- (4) ***The state board or its agency shall adopt rules governing interscholastic athletics that encourage each school that participates in interscholastic athletics to provide access to at least one (1) portable automated external defibrillator in a public, readily accessible, well-marked location at each school-sanctioned athletic practice or competition, including any practice or competition held off campus.***
- (5) ~~[(a)—]~~The state board or its agency shall adopt rules governing interscholastic athletics conducted by local boards of education to require each school that participates in interscholastic athletics to develop a venue-specific emergency action plan to deal with serious injuries and acute medical conditions in which the condition of the patient may deteriorate rapidly. The plan shall:
 - (a)~~[1.]~~ Include a delineation of ***the roles of staff and emergency personnel***~~[role]~~, methods of communication, available emergency equipment, and access to and plan for emergency transport; ~~[and]~~
 - (b)~~[2.]~~ ***If one is available, identify the location of a portable automated external defibrillator and the procedures for its use during an emergency; and***
 - (c) Be in writing, reviewed by the principal of the school, distributed to all appropriate personnel, posted conspicuously at all venues, and reviewed ***annually*** and rehearsed ***by simulation prior to the beginning of each athletic season***~~[annually]~~ by all:
 - 1. Licensed athletic trainers, first responders, ~~[coaches,]~~ school nurses, athletic directors;~~;~~ and
 - 2. ***Interscholastic coaches and volunteer coaches of each athletic team active during that athletic season***~~[volunteers for interscholastic athletics].~~
- (6)~~[(b)]~~ Each school shall submit annual written ***certification***~~[verification]~~ ***to the state board or its agency*** of the existence of a venue-specific emergency action plan ***that the school has reviewed and rehearsed by simulation as required by subsection (5)(c) of this section***~~[to the state board or its agency].~~
- (7)~~[(5)]~~ Each school shall maintain complete and accurate records of its compliance with this section and shall make the records available for review by the state board or its agency upon request.

➔Section 6. The General Assembly hereby enacts this legislation in memory of Cameron Baston, Matthew Mangine, Star Ifeacho, and all other Kentucky students whose lives may have been saved by access to a portable automated external defibrillator.

➔Section 7. In the event the Legislative Research Commission dissolves the Interim Joint Committee on Health, Welfare, and Family Services and establishes another interim joint committee with jurisdiction over health services, the reviser of statutes shall change the name of the Interim Joint Committee on Health, Welfare, and Family Services in Section 2 of this Act to that interim joint committee.

Signed by Governor March 31, 2023.

