As Re-Referred by the House Rules and Reference Committee

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Representative Schmidt
Cosponsor: Representative Ghanbari

To amend sections 755.13, 3313.717, 3314.16, and 3701.851 and to enact section 3701.852 of the Revised Code regarding staffing requirements in athletic facilities with staff trained in automated external defibrillation and cardiopulmonary resuscitation, placement of automated external defibrillators in school-related locations, and emergency action plans adopted by sports and recreation locations and schools.

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

Section 1. That sections 755.13, 3313.717, 3314.16, and 3701.851 be amended and section 3701.852 of the Revised Code be enacted to read as follows:

Sec. 755.13. (A) The authority to supervise and maintain parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, may be vested in any existing body or board, or in a recreation board, as the legislative authority of the municipal corporation, the board of township trustees, or the board of county commissioners determines. The local authorities of any such municipal

corporation, township, or county may equip, develop, operate, and maintain such facilities as authorized by sections 755.12 to 755.18 of the Revised Code. Such local authorities may, for the purpose of carrying out such sections, employ play leaders, recreation directors, supervisors, superintendents, or any other officers or employees, and may procure and pay all or any part of the cost of a policy or policies insuring such officers or employees against liability on account of damage or injury to persons or property arising from the performance of their official duties.

(B) The board of township trustees may expend funds from the township general fund, or revenue derived from property taxes levied for parks and recreational purposes, for the public purpose of presenting community events that are open to the public at such parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers.

(C) The board of county commissioners may adopt rules for the preservation of good order within parks, playfields, and reservations of land under its jurisdiction and on adjacent highways, rivers, riverbanks, and lakes, and the preservation of property and natural life therein. Such rules shall be published in a newspaper of general circulation within the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before taking effect. In counties in which no newspaper is generally circulated, notice shall be accomplished by posting copies in not less than five of the most public places in the district, as determined by the board of county commissioners, for a period of not less than fifteen days before the rules take effect. The rules shall be enforced by a "law enforcement officer" as defined in section 2901.01 of the Revised Code. No person shall violate a rule adopted under this

division. Whoever violates a rule adopted under this division shall be fined not more than one hundred dollars. If the offender has previously been convicted of a violation of the rule, the offender shall be fined not more than five hundred dollars. All fines collected for any violation of any rule adopted under this division shall be paid into the general fund of the county treasury.

(D)(1) Except as provided in division (D)(2) of this section, the controlling authority of each sports and recreation location shall do all of the following:

(a) Require the placement of an automated external defibrillator in each sports and recreation location, under the authority's control~~, at any time that the location is hosting an organized youth sport activity~~;

(b) Require that a sufficient number of the staff persons of each sports and recreation location successfully complete an appropriate training course in the use of an automated external defibrillator as described in section 3701.85 of the Revised Code;

(c) Adopt an emergency action plan for the use of automated external defibrillators and may use the model plan developed by the department of health under section 3701.851 of the Revised Code;

(d) Require review and evaluation of the adopted emergency action plan at least annually.

(2) Division (D)(1) of this section does not apply to a village if the population of the village is less than five thousand, and does not apply to a township if the population of the unincorporated area of the township is less than five

thousand.

(E) As used in this section:

(1) "Automated external defibrillator" has the same meaning as in section 2305.235 of the Revised Code.

(2) "Sports and recreation location" means indoor recreation centers and facilities, gymnasiums, swimming pools, and playing fields that are designated, operated, and maintained for those uses as authorized by sections 755.12 to 755.18 of the Revised Code.

Sec. 3313.717. (A) As used in this section, "automated external defibrillator" means a specialized defibrillator that is approved for use as a medical device by the United States food and drug administration for performing automated external defibrillation, as defined in section 2305.235 of the Revised Code.

(B)(1) The board of education of each school district shall require the placement of an automated external defibrillator in each school under the control of the board, and in any other school-related location that is required by the model plan developed by the department of health under section 3701.851 of the Revised Code. ~~Not later than July 1, 2018, persons employed by a school district shall receive training pursuant to section 3313.6023 of the Revised Code in the use of an automated external defibrillator in accordance with that section.~~

(2) The administrative authority of each chartered nonpublic school shall require the placement of an automated external defibrillator in each school under the control of the authority, and in any other school-related location that is

required by the model plan developed by the department of health under section 3701.851 of the Revised Code. The authority also shall require that persons assigned to each school under the control of the authority, as set forth in division (A) of section 3313.6023 of the Revised Code, successfully complete an appropriate training course in the use of an automated external defibrillator as described in section 3701.85 of the Revised Code.

(3) Each district board and administrative authority shall adopt an emergency action plan for the use of automated external defibrillators and may use the model plan developed by the department of health under section 3701.851 of the Revised Code or adopt a plan based on standards set by nationally recognized organizations. The adopted emergency action plan shall be reviewed and evaluated at least annually.

(C) In regard to the use of an automated external defibrillator that is placed in a school or school-related location as specified in this section, and except in the case of willful or wanton misconduct or when there is no good faith attempt to activate an emergency medical services system in accordance with section 3701.85 of the Revised Code, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation.

(D) The department of education and workforce shall develop a procedure whereby persons may report violations of this section.

Sec. 3314.16. (A)(1) As used in this section, "automated external defibrillator" means a specialized defibrillator that is approved for use as a medical device by the United States food and drug administration for performing automated external defibrillation, as defined in section 2305.235 of the Revised Code.

(2) This section does not apply to an internet- or computer-based community school.

(B) The governing authority of a community school established under this chapter shall require the placement of an automated external defibrillator in each school under the control of the governing authority, and in any other school-related location that is required by the model plan developed by the department of health under section 3701.851 of the Revised Code. The governing authority also shall require that persons assigned to each school under the control of the governing authority, as set forth in division (A) of section 3313.6023 of the Revised Code, successfully complete an appropriate training course in the use of an automated external defibrillator as described in section 3701.85 of the Revised Code.

The governing authority shall adopt an emergency action plan for the use of automated external defibrillators and may use the model plan developed by the department of health under section 3701.851 of the Revised Code or adopt a plan based on standards set by nationally recognized organizations. The adopted emergency action plan shall be reviewed and evaluated at least annually.

(C) In regard to the use of an automated external defibrillator that is placed in a community school or school-related location as specified in this section, and except in the

case of willful or wanton misconduct or when there is no good faith attempt to activate an emergency medical services system in accordance with section 3701.85 of the Revised Code, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation.

(D) The department of education and workforce shall develop a procedure whereby persons may report violations of this section.

Sec. 3701.851. (A) The department of health shall develop a model emergency action plan for the use of automated external defibrillators by public and chartered nonpublic schools, youth sports organizations, athletic facilities, as that term is defined in section 3707.50 of the Revised Code, and sports and recreation locations, as that term is defined in section 755.13 of the Revised Code. ~~The model emergency action plan~~ All of the following apply to the model emergency action plan:

(1) It shall be based on standards set by nationally recognized organizations that are focused on emergency cardiovascular care.

(2) It shall clearly identify locations of automated external defibrillators and require the plan to be practiced at least quarterly.

(3) In the case of public and chartered nonpublic schools, it shall specify school-related locations, such as athletic

facilities and gymnasiums, playing fields, or other school sports locations, that require the placement of an automated external defibrillator, as specified in sections 3313.717 and 3314.16 of the Revised Code. Required placement at school-related locations may be based on proximity to the school or other factors the department considers appropriate after considering any standards set by nationally recognized organizations that are focused on emergency cardiovascular care.

(B) The department shall develop a procedure whereby persons may report violations of section 755.13 of the Revised Code by a sports and recreation location, section 3701.852 of the Revised Code by an athletic facility, or section 3707.58 of the Revised Code by a youth sports organization.

Sec. 3701.852. (A) As used in this section:

(1) "Athletic facility" means a privately owned athletic training, exercise, or sports facility that is open to the public.

(2) "Automated external defibrillation" has the same meaning as in section 2305.235 of the Revised Code.

(3) "Automated external defibrillator" has the same meaning as in section 3313.717 of the Revised Code.

(B) Except as provided in division (D) of this section, each athletic facility that maintains an automated external defibrillator on its premises shall do the following:

(1) Require all staff members who may be on premises during hours of operation to demonstrate competency in using an automated external defibrillator in accordance with division (B)(2) of this section;

(2) Train all staff to use an automated external defibrillator based on the manufacturer's recommendations for the automated external defibrillator in use on the athletic facility's premises and require all staff to demonstrate competency using the automated external defibrillator. Each athletic facility staff member hired on or after the effective date of this section shall demonstrate competency not later than ninety days after date of hire and annually thereafter. Each staff member who is employed by the athletic facility prior to the effective date of this section shall demonstrate competency not later than ninety days after the effective date of this section. The athletic facility shall develop and maintain policy and procedures for automated external defibrillator competency and maintain documentation of staff competency.

(3) Adopt an emergency action plan for the defibrillator's use, which may be based on the model plan developed by the department of health under section 3701.851 of the Revised Code.

(C) Except as provided in division (D) of this section, if an athletic facility does not maintain an automated external defibrillator on its premises, it shall have at least one staff member who has successfully completed a cardiopulmonary resuscitation training course on duty while customers are on its premises.

(D) This section does not apply to an athletic facility that does not have staff or does not have any staff members on duty while customers are on its premises as part of its regular staffing schedule.

Section 2. That existing sections 755.13, 3313.717, 3314.16, and 3701.851 of the Revised Code are hereby repealed.