

AN ACT

To amend sections 755.13, 3313.5310, 3313.6021, 3313.6023, 3313.717, 3314.16, 3326.11, 3328.24, 3701.85, and 3707.58 and to enact section 3701.851 of the Revised Code to require the placement of automated external defibrillators (AEDs) in each public and chartered nonpublic school and each public recreational facility and to require the Ohio Department of Health to develop a model emergency action plan for the use of AEDs, to provide hospital relief payments, and to make an appropriation.

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

SECTION 1. That sections 755.13, 3313.5310, 3313.6021, 3313.6023, 3313.717, 3314.16, 3326.11, 3328.24, 3701.85, and 3707.58 be amended and section 3701.851 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;

(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.

(2) Division (D)(1) of this section does not apply to a township or village if the population of the township or village 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. 3313.5310. (A)(1) This section applies to both of the following:

(a) Any school operated by a school district board of education;

(b) Any chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events.

(2) As used in this section, "athletic activity" means all of the following:

(a) Interscholastic athletics;

(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations;

(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;

(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A)(2)(a), (b), and (c) of this section.

(B) Prior to the start of each athletic season, a school that is subject to this section ~~may~~shall hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.

(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information jointly developed by the department of health and the department of education and workforce and posted on their respective web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, in which the student participates in an athletic activity.

(D) No individual, including coaches and assistant coaches, shall coach an athletic activity unless the individual has completed the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code in accordance with section 3319.303 of the Revised Code.

(E)(1) A student shall not be allowed to participate in an athletic activity if either of the following is the case:

(a) The student's biological parent, biological sibling, or biological child has previously experienced sudden cardiac arrest, and the student has not been evaluated and cleared for participation in an athletic activity by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(b) The student is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return under division (E)(3) of this section after exhibiting syncope or fainting.

(2) A student shall be removed by the student's coach from participation in an athletic activity if the student exhibits syncope or fainting.

(3) If a student is not allowed to participate in or is removed from participation in an athletic activity under division (E)(1) or (2) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code;

(c) A physician assistant licensed under Chapter 4730. of the Revised Code;

(d) An athletic trainer licensed under Chapter 4755. of the Revised Code.

The licensed health care providers specified in divisions (E)(3)(a) to (d) of this section may

consult with any other licensed or certified health care providers in order to determine whether a student is ready to return to participation.

(F) A school that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.

(G) Nothing in this section shall be construed to abridge or limit any rights provided under a collective bargaining agreement entered into under Chapter 4117. of the Revised Code prior to March 14, 2017.

(H)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee or volunteer, including a coach, may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A chartered or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

Sec. 3313.6021. (A) As used in this section, "~~psychomotor~~;

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

(2) "Psychomotor skills" means the use of hands-on practice to support cognitive learning.

(B) ~~Beginning with the 2017-2018 school year, except~~ Except as provided in division (E) of this section, each school operated by a school district which offers grades nine to twelve shall provide instruction to students in cardiopulmonary resuscitation and the use of an automated external defibrillator.

Instruction shall include the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and shall be either of the following:

(1) An instructional program developed by the American heart association or the American red cross that includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator;

(2) An instructional program that is nationally recognized and based on the most current national, evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

(C) No student shall receive certification in cardiopulmonary resuscitation and the use of an automated external defibrillator unless the student is trained by an authorized or certified instructor.

(D) Nothing in this section requires a licensed educator to be certified to provide training in

the manner prescribed by this section to facilitate, provide, or oversee instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator that does not result in certification of students.

(E) If a student is excused from taking instruction in cardiopulmonary resuscitation under division (A)(8) of section 3313.60 of the Revised Code or if the student is a child with a disability and is incapable of performing the psychomotor skills required to perform cardiopulmonary resuscitation and to use an automated external defibrillator, as indicated in the student's IEP, the student shall not be required to receive instruction as prescribed by this section. As used in this section, "child with a disability" and "IEP" have the same meanings as in section 3323.01 of the Revised Code.

Sec. 3313.6023. (A) The board of education of each school district shall provide training in the use of an automated external defibrillator to each teachers, principals, administrative employees, coaches, athletic trainers, any other person that supervises interscholastic athletics, and any other employee subject to in-service training requirements under division (A) of section 3319.073 of the Revised Code.

(B) The board of education of each school district may provide training in the use of an automated external defibrillator to any other person employed by that district, except for substitutes, adult education instructors who are scheduled to work the full-time equivalent of less than one hundred twenty days per school year, or persons who are employed on an as-needed, seasonal, or intermittent basis, so long as the persons are not employed to coach or supervise interscholastic athletics. This

(C) The training may prescribed under this section shall be incorporated into the in-service training required by division (A) of section 3319.073 of the Revised Code. For this purpose, the board shall use one of the instructional programs listed in divisions (B)(1) and (2) of section 3313.6021 of the Revised Code.

(D) Each person to whom this section applies shall complete the training not later than July 1, 2018, and at least once every five years thereafter.

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 ~~may~~ shall require the placement of an automated external defibrillator in each school under the control of the board. Not later than July 1, 2018, ~~pursuant to section 3313.6023 of the Revised Code, all 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, except for substitutes, adult education instructors who are scheduled to work the full-time equivalent of less than one hundred twenty days per school year, or persons who are employed on an as-needed, seasonal, or intermittent basis, so~~

~~long as the persons are not employed to coach or supervise interscholastic athletics.~~

(2) The administrative authority of each chartered nonpublic school ~~may~~ shall require the placement of an automated external defibrillator in each school under the control of the authority. ~~If an authority requires the placement of an automated external defibrillator as provided in this section,~~ The authority also shall require that a sufficient number of the staff 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.

(C) In regard to the use of an automated external defibrillator that is placed in a school 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 board~~ authority of a community school established under this chapter ~~may~~ shall require the placement of an automated external defibrillator in each school under the control of the governing authority. ~~If a governing authority requires the placement of an automated external defibrillator as provided in this section,~~ The governing authority also shall require that a sufficient number of the staff 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.

(C) In regard to the use of an automated external defibrillator that is placed in a community

school 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. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 3701.85. (A) As used in this section:

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

(2) "Emergency medical services organization" has the same meaning as in section 4765.01 of the Revised Code.

(B) A person as defined under section 1.59 of the Revised Code who possesses an automated external defibrillator shall do both of the following:

(1) Encourage expected users to complete successfully a course in automated external defibrillation and cardiopulmonary resuscitation that is offered or approved by a nationally recognized organization and includes instruction on psychomotor skills and national evidence-based emergency cardiovascular guidelines that are current; and

(2) Maintain and test the defibrillator according to the manufacturer's guidelines.

(C) It is recommended, but not required, that a person who possesses an automated external defibrillator notify an emergency medical services organization of the location of the defibrillator.

(D) Any person may perform automated external defibrillation. Training in automated external defibrillation and cardiopulmonary resuscitation is recommended but not required.

A person who performs automated external defibrillation shall make a good faith effort to activate or have another person activate an emergency medical services system as soon as possible unless the person is performing automated external defibrillation as part of an emergency medical services system or at a hospital as defined in section 3727.01 of the Revised Code.

Sec. 3701.851. 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, and sports and recreation locations, as that term is defined in section 755.13 of the Revised Code. The model emergency action plan shall require the plan to be practiced at least quarterly.

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 or section 3707.58 of the Revised Code by a youth sports organization.

Sec. 3707.58. (A) As used in this section:

(1) "Youth athlete" means an individual who wishes to practice for or compete in athletic activities organized by a youth sports organization;

(2) "Youth sports organization" has the same meaning as in section 3707.51 of the Revised Code.

(B) Prior to the start of each athletic season, a youth sports organization that is subject to this section ~~may~~ shall hold an informational meeting for youth athletes, parents, guardians, other persons having care or charge of a youth athlete, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of youth athletes.

(C) No youth athlete shall participate in an athletic activity organized by a youth sports organization until the youth athlete has submitted to a designated official of the youth sports organization a form signed by the youth athlete and the parent, guardian, or other person having care

or charge of the youth athlete stating that the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete have received and reviewed a copy of the information developed by the department of health and the department of education and workforce and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each calendar year to each youth sports organization that organizes an athletic activity in which the youth athlete participates.

(D) No individual shall coach an athletic activity organized by a youth sports organization unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(E)(1) A youth athlete shall not be allowed to participate in an athletic activity organized by a youth sports organization if either of the following is the case:

(a) The youth athlete's biological parent, biological sibling, or biological child has previously experienced sudden cardiac arrest, and the youth athlete has not been evaluated and cleared for participation in an athletic activity organized by a youth sports organization by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(b) The youth athlete is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return under division (E)(3) of this section after exhibiting syncope or fainting.

(2) A youth athlete shall be removed by the youth athlete's coach from participation in an athletic activity organized by a youth sports organization if the youth athlete exhibits syncope or fainting.

(3) If a youth athlete is not allowed to participate in or is removed from participation in an athletic activity organized by a youth sports organization under division (E)(1) or (2) of this section, the youth athlete shall not be allowed to return to participation until the youth athlete is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code.

The licensed health care providers specified in divisions (E)(3)(a) and (b) of this section may consult with any other licensed or certified health care providers in order to determine whether a youth athlete is ready to return to participation.

(F) A youth sports organization that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.

(G)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach, is not liable in damages in a civil action for injury, death, or loss to

person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

SECTION 2. That existing sections 755.13, 3313.5310, 3313.6021, 3313.6023, 3313.717, 3314.16, 3326.11, 3328.24, 3701.85, and 3707.58 of the Revised Code are hereby repealed.

SECTION 3. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2024 and those in the second column are for fiscal year 2025. The operating appropriations made in this act are in addition to any other operating appropriations made for these fiscal years.

SECTION 4.

| | 1 | 2 | 3 | 4 | 5 |
|---|-------------------------------------|--------|----------------------------------|-----|-------------|
| A | OBM OFFICE OF BUDGET AND MANAGEMENT | | | | |
| B | Dedicated Purpose Fund Group | | | | |
| C | 5CV3 | 042510 | Hospital Provider Relief Payment | \$0 | \$5,453,600 |
| D | TOTAL Dedicated Purpose Fund Group | | | \$0 | \$5,453,600 |
| E | TOTAL ALL BUDGET FUND GROUPS | | | \$0 | \$5,453,600 |

SUPPLEMENTAL HOSPITAL RELIEF

The foregoing appropriation item 042510, Hospital Provider Relief Payment, shall be used to support hospitals, which have been financially impacted by the COVID-19 pandemic, in a county with a population between 350,000 and 380,000 according to the most recent federal decennial census.

For the purposes described in this section and notwithstanding section 5164.48 of the Revised Code, the Director of Budget and Management may make payments to hospitals described

in this section that are Medicaid providers, as defined in section 5164.01 of the Revised Code, and are general, acute care hospitals in good standing with the Department of Medicaid. No hospital eligible for this payment shall receive more than \$2,800,000.

SECTION 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in, and are subject to all applicable provisions of, H.B. 33 of the 135th General Assembly.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 47

135th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____