



MEMBER ALERT

AB 2009 : AUTOMATED EXTERNAL DEFIBRILLATOR (AED) REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC PROGRAMS

Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities, and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.

If a school district or charter school elects to offer any interscholastic athletic program, AB 2009 requires the school district or charter school to:

(1) Ensure that there is a written emergency action plan in place that describes the location and procedures to be followed in the event of sudden cardiac arrest or other medical emergencies related to the athletic program's activities or events. The written emergency action plan shall be posted in compliance with the most recent pertinent guidelines of the National Federation of State High School Associations. Information can be found here: <https://www.nfhs.org/articles/athletic-departments-must-design-and-practice-emergency-action-plan/>.

(2) Acquire, commencing July 1, 2019, at least one AED for each school within the school district or the charter school to be available on campus. **See below for a note on this provision.**

(3) Encourage that the AED or AEDs are available for the purpose of rendering emergency care or treatment within a recommended three to five minutes of sudden cardiac arrest to pupils, spectators, and any other individuals in attendance at the athletic programs on campus activities or events.

(4) Ensure the AED or AEDs are available to athletic trainers and coaches and authorized persons at the athletic programs on campus activities or events

(5) Ensure the AED or AEDs are maintained and regularly tested according to the operation and maintenance guidelines set forth by the manufacturer, the American Heart Association, or the American Red Cross, and according to any applicable rules and regulations set forth by the governmental authority under the federal Food and Drug Administration and any other applicable state and federal authority.

Existing law protects employees of school district or charter school, and the district or school itself, from liability for civil damages pertaining to the use of AED's, as specified. AB 2009 specifies that those same provisions apply, except in the case of "personal injury or wrongful death that results from gross negligence or willful and wanton misconduct on the part of the person who uses, attempts to use, or fails to use the AED to render emergency care or treatment."

Note regarding acquiring AEDs

The plain language of AB 2009 states that if a district elects to offer any interscholastic athletic program, at least one AED must be acquired for each school within the school district. The language does not limit this requirement to school sites where the athletics are practiced. There are different legal interpretations of this requirement, and Members are strongly advised to check with their district legal counsel for guidance on their responsibilities for acquiring AEDs.

Unless otherwise specified, the new law under AB 2009 is effective January 1, 2019. The full text of the new law can be found here:

http://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201720180AB2009.