

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 369

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-34-8-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. As used in this chapter, "venue specific emergency action plan for sudden cardiac arrest" means a plan developed by a school corporation, charter school, or state accredited nonpublic school that:**

- (1) includes detailed instructions regarding how to respond to sudden cardiac arrest; and**
- (2) indicates the location of the nearest automated external defibrillator (AED) at the venue.**

SECTION 2. IC 20-34-8-9, AS ADDED BY P.L.56-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) This section applies to:

- (1) a head coach or assistant coach who coaches an athletic activity;
- (2) a marching band leader; ~~or~~
- (3) a drama or musical leader; or**
- ~~(3)~~ **(4) a leader of an extracurricular activity in which students have an increased risk of sudden cardiac arrest activity as determined by the department in consultation with an organization that specializes in the prevention of sudden cardiac arrest.**

(b) An individual described in subsection (a) shall complete the



sudden cardiac arrest training course offered by a provider approved by the department in a manner specified by the state board under IC 20-28-5.5-1. **The sudden cardiac arrest training course described in this subsection must include training in the use of an automated external defibrillator (AED).** An individual described in subsection (a) may not coach or lead the ~~athletic activity~~ **event in which students have an increased risk of sudden cardiac arrest** until the individual completes the training course required under this subsection. The provider shall provide the school with a certificate of completion to the school corporation, charter school, or state accredited nonpublic school for each individual who completes a course under this subsection.

(c) Each school corporation, charter school, or state accredited nonpublic school shall maintain all certificates of completion awarded under subsection (b) for each individual described in subsection (a).

(d) An individual described in subsection (a) who complies with this section and provides coaching or leadership services in good faith is not personally liable for damages in a civil action as a result of a sudden cardiac arrest incurred by an applicable student participating in an ~~athletic activity~~ **event in which students have an increased risk of sudden cardiac arrest** for which the head coach, assistant coach, marching band leader, **drama or musical leader**, or other applicable leader provided coaching or leadership services, except for an act or omission by the individual described in subsection (a) that constitutes gross negligence or willful or wanton misconduct.

(e) An individual described in subsection (a) may ensure that an operational automated external defibrillator (AED) is present at each event in which students have an increased risk of sudden cardiac arrest for which the individual described in subsection (a) is providing coaching or leadership.

(f) An automated external defibrillator (AED) described in subsection (e) may be:

- (1) deployed in accordance with the venue specific emergency action plan for sudden cardiac arrest developed under subsection (i);**
- (2) except as provided in subsection (g), located on the premises where the event in which students have an increased risk of sudden cardiac arrest occurs; and**
- (3) present for the duration of the event in which students have an increased risk of sudden cardiac arrest.**

(g) One (1) automated external defibrillator (AED) may be shared by two (2) or more events in which students have an increased risk of sudden cardiac arrest if the following conditions



are met:

- (1) The events in which students have an increased risk of sudden cardiac arrest occur at the same time.
- (2) The events in which students have an increased risk of sudden cardiac arrest occur in locations that are in close proximity to each other, as determined by the department.
- (3) The automated external defibrillator (AED) is placed in a designated location that is between the events in which students have an increased risk of sudden cardiac arrest and meets the requirement of subsection (f)(3).
- (4) Each individual described in subsection (a) who conducts an event in which students have an increased risk of sudden cardiac arrest described in this subsection is aware of the designated location of the automated external defibrillator (AED).

(h) At each event in which students have an increased risk of sudden cardiac arrest, an individual described in subsection (a) may inform all individuals who are coaching or providing leadership at the event in which students have an increased risk of sudden cardiac arrest of the location of the automated external defibrillator (AED).

(i) A school corporation, charter school, and state accredited nonpublic school may do the following:

- (1) Ensure that an automated external defibrillator (AED) described in subsection (e) is properly maintained.
- (2) Develop a venue specific emergency action plan for sudden cardiac arrest that:
 - (A) establishes a goal of responding within three (3) minutes to a sudden cardiac arrest occurring within the venue; and
 - (B) requires the performance of periodic drills at times and locations determined by the governing body.
- (3) Distribute the plan described in subdivision (2) to the school board.
- (4) Share the plan described in subdivision (2) with each individual described in subsection (a).
- (5) Post the plan described in subdivision (2) in a conspicuous place so that it is visible by any participants of an activity at the venue.
- (6) Before the beginning of the season of each event in which students have an increased risk of sudden cardiac arrest, share the plan described in subdivision (2) with all applicable



students.

(j) A school corporation, a charter school, a state accredited nonpublic school (as defined in IC 20-18-2-18.7), or an accredited nonpublic school (as defined in IC 10-21-1-1) may apply for a grant under IC 10-21-1-2(a)(1)(C)(viii) to purchase an automated external defibrillator (AED) if the school corporation, charter school, state accredited nonpublic school or accredited nonpublic school develops a venue specific emergency action plan for sudden cardiac arrest.

SECTION 3. [EFFECTIVE JULY 1, 2023] (a) The department of education shall conduct a statewide survey of school corporations, charter schools, and state accredited nonpublic schools to determine:

- (1) the number of automated external defibrillators (AEDs) owned before July 1, 2023, by the schools; and
- (2) school policies in effect before July 1, 2023, regarding automated external defibrillators (AEDs).

(b) The department of education shall compile the results of the survey described in subsection (a) in a report. The department of education shall:

- (1) publish the report on the department's website; and
- (2) submit the report to the legislative council in an electronic format under IC 5-14-6;

not later than October 31, 2023.

(c) This SECTION expires January 1, 2025.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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