

House Bills 5527 and 5528 (Substitute S-2 as reported)
Sponsor: Representative John Fitzgerald (H.B. 5527)
Representative Tyrone Carter (H.B. 5528)
House Committee: Regulatory Reform
Senate Committee: Health Policy

CONTENT

House Bill 5527 (S-2) would amend the Fire Prevention Code to do the following:

- Sunset current requirements for a school's cardiac emergency response plan at the beginning of the 2025-2026 school year and require the development of a new plan at the beginning of that school year that met specified requirements.
- Specify that certain public school and nonpublic school personnel who performed cardiopulmonary resuscitation (CPR) or used an automated external defibrillator (AED) as part of the cardiac emergency response plan would not be liable in a civil action for damages resulting from an act or omission occurring in that performance.
- Require the governing body of a public school or nonpublic school and the local emergency response system to integrate the school's cardiac emergency response plan into the protocols of the local emergency response system and emergency response agencies.
- Specify that public schools and nonpublic schools would not be required to comply with the bill's requirements unless the Legislature annually appropriated sufficient funds to implement the requirements.

House Bill 5528 (S-2) would amend the Revised School Code to require an individual employed as an athletic coach at a high school to maintain a valid certification in CPR and use of an AED beginning the 2025-2026 school year. The bill would exempt from civil liability an individual employed as an athletic coach who performed CPR or used an AED during the individual's employment.

MCL 29.19 et al. (H.B. 5527)
Proposed MCL 380.1319 (H.B. 5528)

BRIEF RATIONALE

Having access to an AED greatly increases an individual's chance of survival in a cardiac emergency, such as sudden cardiac arrest. During sudden cardiac arrest, the lack of blood flow to different organs can cause the victim to lose consciousness, become disabled, or die if not treated within minutes of the start of the incident, oftentimes with an AED. Nationally, about 39% of all incidents of sudden cardiac arrest for those younger than 18 occurred in a sports-related setting at a school.¹ Requiring schools to have accessible AEDs on hand could help save the lives of students and student-athletes.

Legislative Analyst: Alex Krabill

¹ Tsao, C., et al., American Heart Association, "Heart Disease and Stroke Statistics – 2022 Update: A Report from the American Heart Association", January 2022.

FISCAL IMPACT

House Bill 5527 (S-2)

The bill would have a negative fiscal impact on the State and a positive fiscal impact on local units of government. Local school districts, public school academies (PSAs), and intermediate districts (ISDs) would not be required to comply with the requirements in the bill unless sufficient money was appropriated by the Legislature. The Legislature cannot mandate a future appropriation, but if future legislatures appropriated the funds required by the bill, it would be an added cost for the State. It is unknown how much the additional cost would be, since it is unknown how many local units are already compliant with the new requirements of the bill.

The requirement that the Legislature annually appropriate to the Michigan Department of Education an amount sufficient to administer and comply with the bill's requirements would not appear to differentiate between costs. It appears the language would require the Legislature to appropriate an amount sufficient to pay for the total costs for all cardiac emergency response plans, not just the additional cost above what the current plans require. Presumably, local units of government would see reduced costs to the extent that the cost of their current cardiac emergency response plans would be offset by new appropriations. Also, it appears that if the Legislature did not appropriate sufficient funding, local units would be exempt from the requirement to have any cardiac emergency response plan.

House Bill 5528 (S-2)

The bill would have no fiscal impact on the State and could have a negative fiscal impact on certain local units of government. The bill would prohibit a local school district, PSA, or ISD from employing an athletic coach who was not certified in CPR and the use of an AED, so any entity in that situation could see additional costs. Districts, PSAs, and ISDs would not be required to pay for the costs of certification, but if they had to replace an athletic coach that did not meet the requirements, there would be costs to find a replacement.

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