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House Bill 5527 (Substitute H-4 as passed by the House)
House Bill 5528 (Substitute H-1 as passed by the House)
Sponsor: Representative John Fitzgerald (H.B. 5527)
Representative Tyrone Carter (H.B. 5528)
House Committee: Regulatory Reform
Senate Committee: Health Policy

Date Completed: 4-15-24

CONTENT

House Bill 5527 (H-4) 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 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 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 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 (H-1) 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 in the course of the individual's employment.

House Bill 5527 (H-4)

Current Requirements for a Cardiac Emergency Response Plan

Currently, the Fire Prevention Code requires the governing body of a school that operates any of grades K to 12 to adopt and implement a cardiac emergency response plan for the school. The cardiac emergency response plan must address and provide for at least all the following:

- Use and regular maintenance of AEDs, if available.
- Activation of a cardiac emergency response team during an identified cardiac emergency.
- A plan for effective and efficient communication throughout the school campus.
- If the school includes grades 9 to 12, a training plan for the use of an AED and CPR techniques.
- Incorporation and integration of the local emergency response system and emergency response agencies with the school's plan.

- An annual review and evaluation of the cardiac emergency response plan.

Under the bill, these requirements would apply until the beginning of the 2025-2026 school year.

"Automated external defibrillator" would mean a lightweight, portable device that analyzes an individual's heart through the individual's chest for a shockable rhythm, such as an irregular or abnormal rhythm, and can deliver an electric shock to the individual's heart that may restore its normal rhythm.

New Requirements for a Cardiac Emergency Response Plan

Beginning with the 2025-2026 school year, the governing body of a public school would have to develop a cardiac emergency response plan that included the use of school personnel to respond to a sudden cardiac arrest, or another similar life-threatening emergency, on the school's campus. If a public school had an athletic department or organized athletic program, the cardiac emergency response plan would have to include implementation at school-sponsored athletic events.

"Cardiac emergency response plan" would mean a written document that establishes specific steps to reduce the chance of death from sudden cardiac arrest or another similar life-threatening emergency. "Sudden cardiac arrest" would mean a life-threatening emergency in which an individual's heart suddenly stops beating.

"Public school" would mean a public elementary or secondary educational entity or agency that is established under the Revised School Code or under another law of the State, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, intermediate school district, school of excellence corporation, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the Michigan Department of Education (MDE), the State board, or another public body.

A cardiac emergency response plan would have to be based on American Heart Association guidelines or other nationally recognized and evidence-based guidelines. The cardiac emergency response plan would have to provide for all the following:

- The establishment of a cardiac emergency response team.
- The activation of the cardiac emergency response team during a sudden cardiac arrest or another similar life-threatening emergency.
- The placement of AEDs in accessible locations throughout the school's campus and athletic facilities that were easily retrievable and not locked or otherwise secured against public access; they would have to be clearly marked with appropriate identifying signage, and it would be recommended, to the extent possible and as funding allowed, that the governing body of a public school make the best effort possible to ensure that the AEDs were accessible within one to three minutes of a cardiac emergency.
- The routine maintenance of the school's AEDs.
- The dissemination of the cardiac emergency response plan throughout the school's campus.
- The ongoing training of school personnel as described below.
- The use of annual exercise simulations to practice the steps established in the cardiac emergency response plan, which would have to require the participation of the members of the cardiac emergency response team.
- The integration of the cardiac emergency response plan with the local emergency response system and emergency response agencies.

-- The ongoing and triennial review of the cardiac emergency response plan.

Public school personnel who were included in a cardiac emergency response plan would have to be trained in all the following:

- CPR.
- First aid.
- The use of an AED in accordance with American Heart Association guidelines.

Public school personnel who were included in the cardiac emergency response plan and who performed CPR or used an 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 except an act or omission constituting gross negligence or willful or wanton misconduct.

The governing body of a public school and the local emergency response system and emergency response agencies would have to integrate the school's cardiac emergency response plan or plans into the protocols of the local emergency response system and emergency response agencies.

The bill specifies that the Legislature would have to annually appropriate to the MDE an amount sufficient to administer and comply with the requirements of the bill. Public schools would not be required to comply with the requirements of the bill unless the Legislature had appropriated sufficient funds to implement the requirements.

House Bill 5528 (H-1)

Beginning with the 2025-2026 school year, the board of a school district or intermediate school district or board of directors of a public school academy could not permit an individual to serve as an athletic coach at a high school operated by the board or board of directors unless that individual maintained a valid certification in CPR and use of an AED issued by the American Red Cross, American Heart Association, or a comparable organization or institution approved by the MDE.

An individual who performed CPR or used an AED in the course of that individual's employment as an athletic coach would not be liable in a civil action for damages resulting from an act or omission occurring in that performance except an act or omission constituting gross negligence or willful or wanton misconduct.

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

BACKGROUND

Cardiac arrest is a condition in which the heart stops beating. The lack of blood flow to different organs can cause the victim to lose consciousness, become disabled, or die if not treated within a critical time frame,¹ typically considered three to five minutes from the start of the cardiac arrest.² This time frame challenges emergency medical services.³ Prompt action from bystanders is often necessary and can increase a victim's chance of survival.

Legislative Analyst: Alex Krabill

¹ Chrispin, Jonathan, Johns Hopkins Medicine, "Cardiac Arrest", 2024.

² Sudden Cardiac Arrest Foundation, "Cardiac Emergency Response Plan for Schools", 2023.

³ *Id.*

FISCAL IMPACT

House Bill 5527 (H-4)

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 MDE 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 (H-1)

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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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.