



November 15, 2019

TO: District Superintendents  
Chief Business Officials  
SISC Member Districts

FROM: Robert J. Kretzmer  
Director, Property & Liability

SUBJECT: AEDs

The increasing interest in the placement of Automatic External Defibrillators (AEDs) on school sites in the State of California and elsewhere gives rise to the issue of possible liability exposure related to their use. This memo is intended to provide your district with food for thought before taking on the implementation of an AED program.

SISC neither discourages nor promotes the use of AEDs at our member districts' campus locations. In addition, SISC does not exclude AED use in the Liability Memorandum of Coverage (MOC.) In the event a Claim for Damages or a Complaint is filed against one of our member districts alleging the district failed to properly maintain or use an AED which resulted in some harm to a student or other individual, SISC will afford a defense and indemnification to the member district subject to the terms and conditions of the MOC.

Member districts most commonly engage the services of a vendor in order to implement their AED program. In addition, agreements entered into with a selected vendor should include indemnification and insurance clauses protecting the interests of the district. All agreements should be reviewed by the district's administrative or general counsel before execution.

There are three relevant code sections that you should become familiar with concerning the use of AEDs at your school sites, they are:

**Civil Code:** Section 1714.21 of the Civil Code provides immunity to an individual who renders emergency care with the use of an AED provided they have been properly trained and follow their training. This section also provides immunity to an individual who provides training to a person who renders emergency care by the use of an AED. The section goes on to state that a person or entity will not be liable for any civil damages as long as the person or entity has complied with the requirements of subdivision (b) of Section 1797.196 of the Health & Safety Code.

**Education Code:** Section 49417 was added to the Education Code as a result of the passage of AB 2217 which was approved by the Governor on September 29, 2014. Under Section 49417 employees of a school district are immune from liability per Section 1714.21 of the Civil Code. In addition, Section 49417 also affords immunity to a public school or school district that complies with the requirements under Section 1797.196 of the Health and Safety Code which then triggers the application of Section 1714.21 of the Civil Code thereby affording immunity to the public school or school district.

**Health and Safety Code:** Section 1797.196 addresses the requirement for individuals and entities who acquire install and use an AED on school premises. Our member school districts should review Section 1797.196 before considering the implementation of an AED program as the requirements for the operation and maintenance of these devices are stringent. A copy of this code section is attached.

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*A Joint Powers Authority administered by the Kern County Superintendent of Schools Office, Mary C. Barlow, Superintendent*

Senate Bill 658 which was introduced on February 27, 2015, signed by the Governor and filed with the Secretary of State on September 3, 2015, amended some provisions contained in Health and Safety Code Section 1797.196.

A person or entity must now notify an agent of the local Emergency Medical Services Agency of the existence, location and type of AED acquired. Maintenance and testing of the AED is now limited according to the operation and maintenance guidelines set forth by the manufacturer only. All AEDs must be tested biannually and after each use. Inspections are required to be made of all AEDs on the premises at least every 90 days for potential issues related to the operability of the device. It is no longer a requirement that a person who renders emergency care or treatment on a person in cardiac arrest by using an AED activate the emergency medical services system as soon as possible and report any use of the AED to the licensed physician and to the local EMS agency. When an AED is placed in a public or private K-12 school, the principal is required to ensure that school administrators and staff annually receive information that describes sudden cardiac arrest, the school's emergency response plan and the proper use of an AED. The principal is also required to ensure that instructions, in no less than 14-point type, on how to use the AED are posted next to every AED. Also, at least annually, the principal must notify school employees as to the location of all AED units on campus. A manufacturer or retailer supplying an AED shall provide to the acquirer of the AED all information regarding the use, installation, operation, training and maintenance of the AED.

**Your district's administrative legal counsel should be consulted** to be certain your district is in compliance with all appropriate regulations, including those under Title 22 of the California Code of Regulations Section 100041, and that all board policies related to the use of AEDs are written properly.

In the event your district implements an AED program, we recommend you contact your local American Red Cross, American Heart Association, fire department or hospital to seek guidance about the purchase of AEDs and/or the implementation of an AED program.