



**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

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No

**NEWSPAPER ARTICLES:**

No

LAW/KR

P.L.2012, CHAPTER 51, *approved September 19, 2012*  
Assembly Committee Substitute for  
Assembly, No. 1608

1 **AN ACT** concerning sudden cardiac events and schools and  
2 supplementing Title 18A of the New Jersey Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. Notwithstanding the provisions of any law, rule, or  
8 regulation to the contrary, beginning on September 1, 2014, the  
9 board of education of a public school district and the governing  
10 board or chief school administrator of a nonpublic school that  
11 includes any of the grades kindergarten through 12 shall ensure  
12 that:

13 (1) each public or nonpublic school has an automated external  
14 defibrillator, as defined in section 2 of P.L.1999, c.34 (C.2A:62A-  
15 24), which is made available in an unlocked location on school  
16 property with an appropriate identifying sign. The defibrillator  
17 shall be accessible during the school day and any other time when a  
18 school-sponsored athletic event or team practice is taking place in  
19 which pupils of the district or nonpublic school are participating.  
20 The defibrillator shall be within reasonable proximity of the school  
21 athletic field or gymnasium, as applicable;

22 (2) a team coach, licensed athletic trainer, or other designated  
23 staff member if there is no coach or licensed athletic trainer, who is  
24 present during the athletic event or team practice, is trained in  
25 cardio-pulmonary resuscitation and the use of the defibrillator in  
26 accordance with the provisions of section 3 of P.L.1999, c.34  
27 (C.2A:62A-25). A school district or nonpublic school shall be  
28 deemed to be in compliance with this requirement if a State-  
29 certified emergency services provider or other certified first  
30 responder is on site at the event or practice; and

31 (3) each defibrillator is tested and maintained according to the  
32 manufacturer's operational guidelines and notification is provided to  
33 the appropriate first aid, ambulance, or rescue squad or other  
34 appropriate emergency medical services provider regarding the  
35 defibrillator, the type acquired, and its location in accordance with  
36 section 3 of P.L.1999, c.34 (C.2A:62A-25).

37 b. A school district or nonpublic school and its employees shall  
38 be immune from civil liability in the acquisition and use of  
39 defibrillators pursuant to the provisions of section 5 of P.L.1999,  
40 c.34 (C.2A:62A-27).

1       2. a. The board of education of a public school district and the  
2 governing body or chief school administrator of a nonpublic school  
3 that includes any of the grades kindergarten through 12 shall  
4 establish and implement an emergency action plan for responding to  
5 a sudden cardiac event including, but not limited to, an event in  
6 which the use of an automated external defibrillator may be  
7 necessary.

8       b. The emergency action plan shall be consistent with the  
9 provisions of section 1 of this act and also, at minimum, include the  
10 following:

11       (1) a list of no less than five school employees, team coaches, or  
12 licensed athletic trainers who hold current certifications from the  
13 American Red Cross, American Heart Association, or other training  
14 program recognized by the Department of Health and Senior  
15 Services, in cardio-pulmonary resuscitation and in the use of a  
16 defibrillator. The list shall be updated, as necessary, at least once in  
17 each semester of the school year; and

18       (2) detailed procedures on responding to a sudden cardiac event  
19 including, but not limited to, the identification of the persons in the  
20 school who will be responsible for: responding to the person  
21 experiencing the sudden cardiac event, calling 911, starting cardio-  
22 pulmonary resuscitation, retrieving and using the defibrillator, and  
23 assisting emergency responders in getting to the individual  
24 experiencing the sudden cardiac event.

25  
26       3. The State Board of Education, in consultation with the  
27 Commissioner of Health and Senior Services, and in accordance  
28 with the "Administrative Procedure Act," P.L.1968, c.410  
29 (C.52:14B-1 et seq.), shall adopt rules and regulations as may be  
30 necessary to implement the provisions of this act.

31  
32       4. This act shall take effect immediately.

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35

36  
37       "Janet's Law"; requires public and nonpublic schools to have  
38 automated external defibrillators and to establish emergency action  
39 plans for responding to sudden cardiac events.

# ASSEMBLY, No. 1608

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman JON M. BRAMNICK**  
**District 21 (Morris, Somerset and Union)**  
**Assemblyman CRAIG J. COUGHLIN**  
**District 19 (Middlesex)**  
**Assemblyman VINCENT PRIETO**  
**District 32 (Bergen and Hudson)**  
**Assemblyman PATRICK J. DIEGNAN, JR.**  
**District 18 (Middlesex)**  
**Assemblyman THOMAS P. GIBLIN**  
**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

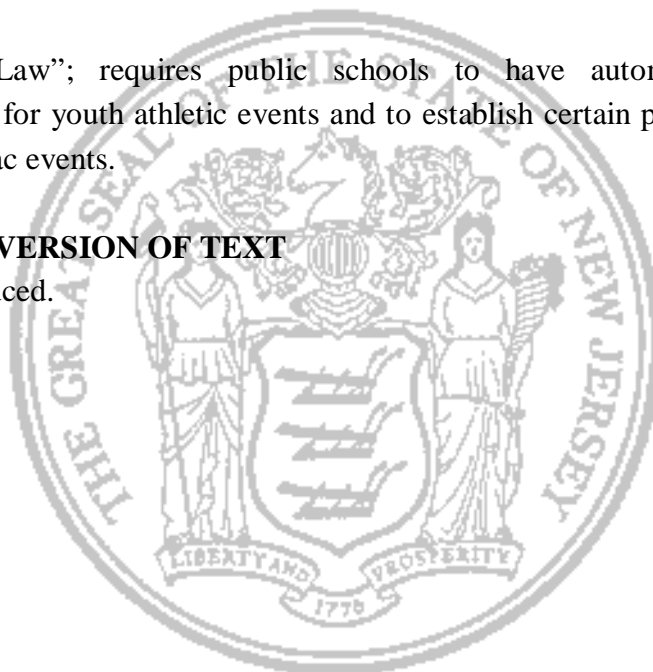
**Assemblymen Caputo, Wolfe, Benson, Assemblywomen Jasey and Watson  
Coleman**

**SYNOPSIS**

“Janet’s Law”; requires public schools to have automated external defibrillators for youth athletic events and to establish certain plans relating to sudden cardiac events.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/3/2012)

1 AN ACT concerning automated external defibrillators for youth  
2 athletics, designated “Janet’s Law,” and supplementing Title  
3 18A of the New Jersey Statutes.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. Notwithstanding the provisions of any law, rule, or  
9 regulation to the contrary, beginning on September 1, 2014, the  
10 board of education of a public school district that includes any of  
11 the grades kindergarten through 12 shall ensure that:

12 (1) an automated external defibrillator, as defined in section 2 of  
13 P.L.1999, c.34 (C.2A:62A-24), identified with appropriate signage,  
14 is placed and made available in an unlocked location on school  
15 property, which is accessible during the school day and any other  
16 time in which a school-sponsored athletic event or team practice, in  
17 which pupils of the district are participating, is taking place and is  
18 within reasonable proximity of the school athletic field or  
19 gymnasium, as applicable;

20 (2) a team coach or other designated staff member if there is no  
21 coach, who is present during the athletic event or team practice, is  
22 trained in cardio-pulmonary resuscitation and the use of the  
23 defibrillator in accordance with the provisions of section 3 of  
24 P.L.1999, c.34 (C.2A:62A-25). A school district shall be deemed to  
25 be in compliance with this requirement if a State-certified  
26 emergency services provider or other certified first responder is on  
27 site at the event or practice; and

28 (3) each defibrillator is tested and maintained according to the  
29 manufacturer's operational guidelines and notification is provided to  
30 the appropriate first aid, ambulance, or rescue squad or other  
31 appropriate emergency medical services provider regarding the  
32 defibrillator, the type acquired, and its location in accordance with  
33 section 3 of P.L.1999, c.34 (C.2A:62A-25).

34 b. A school district and its employees shall be immune from  
35 civil liability in the acquisition and use of defibrillators pursuant to  
36 the provisions of section 5 of P.L.1999, c.34 (C.2A:62A-27).  
37

38 2. a. Notwithstanding the provisions of any law, rule, or  
39 regulation to the contrary, beginning on September 1, 2014, the  
40 board of education of a public school district that includes any of  
41 the grades kindergarten through 12 shall establish and implement an  
42 emergency action plan for responding to sudden cardiac events,  
43 including, but not limited to, those events in which the use of an  
44 automated external defibrillator may be necessary.

45 b. The emergency action plan required pursuant to subsection a.  
46 of this section, and in keeping with the provisions of section 1 of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill)  
48 shall also, at minimum, provide the following:

- 1 (1) a requirement that no less than five school faculty members  
2 successfully complete and hold a current certification from the  
3 American Red Cross, American Heart Association or other training  
4 program recognized by the Department of Health and Senior  
5 Services in cardio-pulmonary resuscitation and use of a  
6 defibrillator;
- 7 (2) a list of those school faculty members who hold current  
8 certifications in cardio-pulmonary resuscitation and use of a  
9 defibrillator, such list is to be made current at least once in each  
10 calendar year of each school year;
- 11 (3) written detailed procedures on responding to sudden cardiac  
12 events, including, but not limited to, who shall be responsible for  
13 responding to the individual in cardiac distress, calling emergency  
14 responders, starting cardio-pulmonary resuscitation, obtaining and  
15 using the automated external defibrillator, and assisting emergency  
16 responders in getting to the individual in cardiac distress; and
- 17 (4) any other requirement deemed relevant to responding to  
18 sudden cardiac events.

19  
20 3. The State Board of Education, in consultation with the  
21 Commissioner of Health and Senior Services, and in accordance  
22 with the "Administrative Procedure Act," P.L.1968, c.410  
23 (C.52:14B-1 et seq.), shall adopt rules and regulations as may be  
24 necessary to implement the provisions of this act.

25  
26 4. This act shall take effect immediately.

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28  
29

STATEMENT

30

31 This bill, which is designated "Janet's Law," is in memory of  
32 Janet Zilinski, an 11-year old who died of sudden cardiac arrest  
33 following a cheerleading squad practice. The provisions of this bill  
34 apply to athletic events and activities that take place through public  
35 schools.

36 Specifically, the bill requires public school districts that include  
37 any of the grades kindergarten through 12 to ensure that, beginning  
38 on September 1, 2014, an automated external defibrillator (AED),  
39 identified with appropriate signage, is placed and made available in  
40 an unlocked location on school property, which is accessible during  
41 the school day and any other time in which a school-sponsored  
42 athletic event or team practice, in which pupils of the district are  
43 participating, is taking place and is within reasonable proximity of  
44 the school athletic field or gymnasium.

45 The bill requires that a team coach, or other designated staff  
46 member if there is no coach, who is present during the athletic  
47 event or team practice, be trained in cardio-pulmonary resuscitation  
48 (CPR) and the use of an AED in accordance with the provisions of

1 State law. A school district is deemed to be in compliance with this  
2 requirement if a State-certified emergency services provider or  
3 other certified first responder is on site at the event or practice. A  
4 public school district is also required to test and maintain each AED  
5 according to the manufacturer's operational guidelines and to  
6 provide notification to the appropriate first aid, ambulance, or  
7 rescue squad or other appropriate emergency medical services  
8 provider regarding the AED, the type acquired, and its location in  
9 accordance with current State law.

10 The bill also requires that a public school district establish and  
11 implement an emergency action plan for responding to sudden  
12 cardiac events, including, but not limited to, those events in which  
13 the use of an AED as may be necessary. The emergency action plan,  
14 in keeping with the provisions of section 1 of the bill shall also, at  
15 minimum, provide that: no less than five school faculty members  
16 successfully complete and hold a current certification from training  
17 programs recognized by the Department of Health and Senior  
18 Services in CPR and use of an AED; a list of those school faculty  
19 members who hold current certifications, such list is to be made  
20 current at least once in each calendar year of each school year;  
21 written detailed procedures on responding to sudden cardiac events;  
22 and any other requirement deemed relevant by the school district to  
23 responding to sudden cardiac events.

24 The bill directs the State Board of Education, in consultation  
25 with the Commissioner of Health and Senior Services, to adopt  
26 rules and regulations necessary for its implementation and provides  
27 that a school district and its employees shall be immune from civil  
28 liability in the acquisition and use of an AED pursuant to current  
29 law.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1608

# STATE OF NEW JERSEY

DATED: FEBRUARY 2, 2012

The Assembly Education Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 1608.

This substitute, which is designated “Janet’s Law,” is in memory of Janet Zilinski, an 11-year old who died of sudden cardiac arrest following a cheerleading squad practice.

The substitute requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning on September 1, 2014:

- an automated external defibrillator (AED) is made available in an unlocked location at each school. The AED must be accessible during the school day and any other time in which a school-sponsored athletic event or team practice is taking place in which pupils of the district or nonpublic school are participating. The AED must be within reasonable proximity of the school athletic field or gymnasium;
- a team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during the athletic event or team practice, is trained in cardio-pulmonary resuscitation (CPR) and the use of an AED. A school district or nonpublic school is deemed to be in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice; and
- the AED is tested and maintained in accordance with the manufacturer's operational guidelines and notification is provided to the appropriate first aid, ambulance, rescue squad or other appropriate emergency medical services provider regarding the AED, the type acquired, and its location.

The substitute provides that a school district and a nonpublic school and their employees will be immune from civil liability in the acquisition and use of AEDs.

The substitute also requires that a public school district and a nonpublic school establish and implement an emergency action plan for responding to sudden cardiac events. The emergency action plan must be consistent with the other provisions of the substitute, and in

addition, at a minimum include: a list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications in CPR and the use of AEDs from training programs recognized by the Department of Health and Senior Services; and detailed procedures on responding to sudden cardiac events.

The substitute directs the State Board of Education, in consultation with the Commissioner of Health and Senior Services, to adopt rules and regulations necessary for its implementation.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 1608**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: MAY 21, 2012

**SUMMARY**

- Synopsis:** “Janet’s Law”; requires public and nonpublic schools to have automated external defibrillators and to establish action plans for responding to sudden cardiac events.
- Type of Impact:** Expenditure increase in local school districts.
- Agencies Affected:** Local school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>Local Cost</b>	Indeterminate Increase – See Comments Below		

- The Office of Legislative Services (OLS) anticipates that the Assembly Committee Substitute for Assembly Bill No. 1608 of 2012 will lead to an indeterminate increase in expenditures for local school districts. The potential cost is indeterminate for three reasons: 1) it is unclear how many schools would be required to purchase an automated external defibrillator (AED) as a result of the legislation, 2) the bill requires that each school have five employees, coaches, or athletic providers certified and trained in the use of AED and in performing CPR, and 3) the cost of training current and additional personnel.
- While the State contract expires at the end of the current fiscal year, it may be useful for providing a general idea of what an AED would cost after the contract’s expiration. Under the contract, a school district may purchase an AED for \$829 per unit, and training services for \$58 per trainee. The OLS has not identified a similar State contract for the provision of CPR training; the American Red Cross offers such training courses at approximately \$70 per participant, which leads to a certification that is valid for two years.

## **BILL DESCRIPTION**

The Assembly Committee Substitute for Assembly Bill No. 1608 of 2012 requires each public and nonpublic school to have an AED that is accessible during the school day, or any other time when a school-sponsored athletic event or team practice is taking place in which students of the district or nonpublic school are participating. A team coach, licensed athletic trainer, or other designated staff who is present at the athletic event or team practice must be trained in the use of an AED and in performing cardiopulmonary resuscitation (CPR). A school will be considered in compliance with this requirement if a State-certified emergency services provider or other certified first responder is present at the event or practice. Additionally, each school must establish and implement an emergency action plan that includes having at least five school employees, team coaches, or licensed athletic providers trained in the use of an AED and in performing CPR.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS anticipates that the Assembly Committee Substitute for Assembly Bill No. 1608 of 2012 will lead to an indeterminate increase in expenditures for local school districts. There are three reasons why the cost cannot be determined. First, it is unclear how many schools do not currently have an AED in the building, and second, it is unknown the number of schools that have fewer than five staff members who are trained in the use of an AED or in administering CPR. Third, the precise cost of an AED and training required under the bill are also unknown. The State currently has a contract with a vendor, under which a school district may purchase an AED for \$829 per unit, and the associated training for \$58 per trainee. However, this contract expires at the end of fiscal year 2011-2012, and the cost in subsequent years is not known. This State contract does not include training individuals in the administration of CPR. The American Red Cross offers such courses at a cost of \$70 per person, which leads to a certification that is valid for two years.

*Section: Education*  
*Analyst: Allen T. Dupree*  
*Lead Fiscal Analyst*  
*Approved: David J. Rosen*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1608

# STATE OF NEW JERSEY

DATED: MAY 21, 2012

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1608 (ACS).

This bill requires public and nonpublic schools to have and maintain automated external defibrillators and to establish and implement emergency action plans for responding to sudden cardiac events.

The bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, each public or nonpublic school has an automated external defibrillator available in an unlocked location on school property with an appropriate identifying sign. The bill specifies the defibrillator must be accessible during the school day and any other time a school-sponsored athletic event or team practice is taking place in which pupils are participating. The bill specifies the defibrillator must be within reasonable proximity of the school athletic field or gymnasium.

The bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, a team coach, licensed athletic trainer, or other designated staff member (if there is no coach or licensed athletic trainer), who is present during the athletic event or team practice, is trained in cardio-pulmonary resuscitation and use of a defibrillator. The bill specifies a school district or nonpublic school is in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

The bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, each defibrillator is tested and maintained in accordance with the manufacturer's operational guidelines and notification is provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location.

The bill provides that a school district or a nonpublic school and its employees are immune from civil liability in the acquisition and use of a defibrillator.

The bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to establish and implement an emergency action plan to respond to sudden cardiac events. The bill specifies that the plan must be consistent with other provisions of the bill, and must include: a list of not fewer than five school employees, team coaches, or licensed athletic trainers who hold certifications in cardio-pulmonary resuscitation and the use of defibrillators from certain recognized training programs; and detailed procedures for responding to sudden cardiac events.

The bill directs the State Board of Education, in consultation with the Commissioner of Health and Senior Services, to adopt rules and regulations necessary for its implementation.

The bill takes effect immediately upon enactment.

The bill is designated as Janet's Law in memory of Janet Zilinski, an 11-year-old who died of sudden cardiac arrest following a cheerleading squad practice.

#### FISCAL IMPACT:

The Office of Legislative Services expects the bill will result in increased costs to public school districts and nonpublic schools required to comply with its provisions, but is unable to determine the magnitude of the increased costs.

The Office of Legislative Services notes the magnitude of the increased costs cannot be determined because it is unclear how many schools do not have defibrillators and will be required to acquire new or additional units, or how many schools have fewer than five staff members who hold certifications in cardio-pulmonary resuscitation and the use of defibrillators and will be required to train additional staff to comply with the bill.

Additionally, the increased costs cannot be determined because the cost to purchase each defibrillator and the cost to train each staff member in cardio-pulmonary resuscitation and the use of defibrillators are largely unknown. The State currently has a contract with a vendor under which a school district may purchase a defibrillator for \$829 per unit and the associated training for \$58 per trainee. However, the contract expires at the end of fiscal year 2011-2012, and does not include training in cardio-pulmonary resuscitation.

The Office of Legislative Services notes that the bill's requirement that schools maintain defibrillators according to manufacturers' operational guidelines and the requirement that schools establish and implement an emergency action plan may also contribute to increased costs incurred as a result of the bill, but expects those costs to be minimal.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1608

# STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1608 (ACS).

The substitute bill requires public and nonpublic schools to have and maintain automated external defibrillators and to establish and implement emergency action plans for responding to sudden cardiac events.

The substitute bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, each public or nonpublic school has an automated external defibrillator available in an unlocked location on school property with an appropriate identifying sign. The substitute bill specifies the defibrillator must be accessible during the school day and any other time a school-sponsored athletic event or team practice is taking place in which pupils are participating. The substitute bill specifies the defibrillator must be within reasonable proximity of the school athletic field or gymnasium.

The substitute bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, a team coach, licensed athletic trainer, or other designated staff member (if there is no coach or licensed athletic trainer), who is present during the athletic event or team practice, is trained in cardio-pulmonary resuscitation and use of a defibrillator. The substitute bill specifies a school district or nonpublic school is in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

The substitute bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, each defibrillator is tested and maintained in accordance with the manufacturer's operational guidelines and notification is provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location.

The substitute bill provides that a school district or a nonpublic

school and its employees are immune from civil liability in the acquisition and use of a defibrillator.

The substitute bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to establish and implement an emergency action plan to respond to sudden cardiac events. The substitute bill specifies that the plan must be consistent with other provisions of the substitute bill, and must include: a list of not fewer than five school employees, team coaches, or licensed athletic trainers who hold certifications in cardio-pulmonary resuscitation and the use of defibrillators from certain recognized training programs; and detailed procedures for responding to sudden cardiac events.

The substitute bill directs the State Board of Education, in consultation with the Commissioner of Health and Senior Services, to adopt rules and regulations necessary for its implementation.

The substitute bill takes effect immediately upon enactment.

The legislation is designated as Janet's Law in memory of Janet Zilinski, an 11-year-old who died of sudden cardiac arrest following a cheerleading squad practice.

As reported by the committee, Assembly Bill No. 1608 (ACS) is identical to Senate Bill No. 157 (SCS), as also reported by the committee.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) notes in the Legislative Fiscal Estimate for the substitute bill that public school districts and nonpublic schools will incur increased costs to comply with its provisions, but is unable to determine the magnitude of the increased costs.

The OLS notes the magnitude of the increased costs cannot be determined because it is unclear how many schools do not have defibrillators and will be required to acquire new or additional units, or how many schools have fewer than five staff members who hold certifications in cardio-pulmonary resuscitation and the use of defibrillators and will be required to train additional staff to comply with the bill.

Additionally, the increased costs cannot be determined because the cost to purchase each defibrillator and the cost to train each staff member in cardio-pulmonary resuscitation and the use of defibrillators are largely unknown. The State currently has a contract with a vendor under which a school district may purchase a defibrillator for \$829 per unit and the associated training for \$58 per trainee. However, the contract expires at the end of fiscal year 2011-2012, and does not include training in cardio-pulmonary resuscitation.

The OLS notes that the requirement that schools maintain defibrillators according to manufacturers' operational guidelines and the requirement that schools establish and implement an emergency

action plan may also contribute to increased costs incurred, but expects those costs to be minimal.

# SENATE, No. 157

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senators Madden and Buono**

**SYNOPSIS**

“Janet’s Law”; requires public and nonpublic schools, recreational fields and youth camps to have defibrillators for youth athletic events, and public schools to train pupils in use thereof and in cardio-pulmonary resuscitation.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning automated external defibrillators for youth  
2 athletics, designated “Janet’s Law,” and supplementing Title  
3 18A of the New Jersey Statutes and Titles 5 and 26 of the  
4 Revised Statutes.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8

9 1. a. Notwithstanding the provisions of any law, rule, or  
10 regulation to the contrary, beginning on September 1, 2009, the  
11 board of education of a public school district and the governing  
12 board or chief school administrator of a nonpublic school that  
13 includes any of the grades kindergarten through 12 shall ensure  
14 that:

15 (1) an automated external defibrillator, as defined in section 2 of  
16 P.L.1999, c.34 (C.2A:62A-24), is readily available and within  
17 reasonable proximity of the school athletic field or gymnasium, as  
18 applicable, at which a school-sponsored athletic event or team  
19 practice in which pupils of the district or pupils of the nonpublic  
20 school are participating, is taking place;

21 (2) a team coach or other designated staff member if there is no  
22 coach, who is present during the athletic event or team practice, is  
23 trained in cardio-pulmonary resuscitation and the use of the  
24 defibrillator in accordance with the provisions of section 3 of  
25 P.L.1999, c.34 (C.2A:62A-25). A school district or nonpublic  
26 school shall be deemed to be in compliance with this requirement if  
27 a State-certified emergency services provider or other certified first  
28 responder is on site at the event or practice; and

29 (3) each defibrillator is tested and maintained according to the  
30 manufacturer's operational guidelines or guidelines established by  
31 any appropriate government agency and notification is provided to  
32 the appropriate first aid, ambulance, or rescue squad or other  
33 appropriate emergency medical services provider regarding the  
34 defibrillator, the type acquired, and its location in accordance with  
35 section 3 of P.L.1999, c.34 (C.2A:62A-25).

36 b. A school district or nonpublic school and its employees shall  
37 be immune from civil liability in the acquisition and use of  
38 defibrillators pursuant to the provisions of section 5 of P.L.1999,  
39 c.34 (C.2A:62A-27).

40 c. In the case of a public school district, the school physician  
41 appointed by the board of education pursuant to N.J.S.18A:40-1  
42 shall provide written instructions on the proper use of the automated  
43 external defibrillator which shall be posted in a conspicuous place  
44 near the defibrillator. In the case of a nonpublic school, the chief  
45 school administrator in consultation with a physician shall provide  
46 written instructions on the proper use of the automated external  
47 defibrillator which shall be posted in a conspicuous place near the  
48 defibrillator.

1       2. Notwithstanding the provisions of any law, rule, or  
2 regulation to the contrary, beginning on September 1, 2009, the  
3 board of education of a public school district that includes any of  
4 the grades 9 through 12 shall:

5       a. provide instruction in cardio-pulmonary resuscitation as part  
6 of the curriculum each year for grades 9 through 12; and

7       b. provide instruction in the use of an automated external  
8 defibrillator as part of the curriculum each year for grades 9 through  
9 12.

10

11       3. The State Board of Education, in consultation with the  
12 Commissioner of Health and Senior Services, and in accordance  
13 with the "Administrative Procedure Act," P.L.1968, c.410  
14 (C.52:14B-1 et seq.), shall adopt rules and regulations as may be  
15 necessary to implement the provisions of this act.

16

17       4. a. Beginning September 1, 2009, a municipal or county  
18 recreation department and a nonprofit youth serving organization as  
19 defined in section 1 of P.L.1999, c.432 (C.15A:3A-1) including, but  
20 not limited to, Little Leagues, Babe Ruth Leagues, Pop Warner  
21 Leagues, Police Athletic Leagues, and youth soccer leagues, which  
22 organizes, sponsors, or is otherwise affiliated with youth athletic  
23 events that are played on municipal, county, school, or other  
24 publicly-owned fields, shall ensure that there is available on site an  
25 automated external defibrillator, as defined in section 2 of  
26 P.L.1999, c.34 (C.2A:62A-24), at each youth athletic event and  
27 practice held on the department's or organization's home field.

28       The recreation department or youth serving organization shall  
29 designate one or more umpires or coaches, as applicable, who will  
30 be present at the athletic event or practice, to be responsible for  
31 ensuring that the defibrillator is available on site at the event and  
32 practice. The designated umpire or coach shall be trained in cardio-  
33 pulmonary resuscitation and the use of the defibrillator in  
34 accordance with the provisions of section 3 of P.L.1999, c.34  
35 (C.2A:62A-25).

36       b. A recreation department or youth serving organization shall  
37 be deemed to be in compliance with the requirements of this section  
38 if a State-certified emergency services provider or other certified  
39 first responder is on site at the athletic event or practice and has a  
40 defibrillator available for use on site.

41       c. A recreation department or youth serving organization and  
42 its employees and volunteer umpires and coaches shall be immune  
43 from civil liability in the acquisition and use of a defibrillator  
44 pursuant to section 5 of P.L.1999, c.34 (C.2A:62A-27).

45

46       5. a. Beginning September 1, 2009, a youth camp operating  
47 pursuant to P.L.1973, c.375 (C.26:12-1 et seq.) shall ensure that  
48 there is available on site an automated external defibrillator, as

1 defined in section 2 of P.L.1999, c.34 (C.2A:62A-24), within  
2 reasonable proximity of the camp's athletic fields or other indoor or  
3 outdoor athletic facilities.

4 The youth camp shall designate one or more counselors or other  
5 staff members who will be present at the athletic field or facility  
6 when campers are participating in athletic activities, to be  
7 responsible for ensuring that the defibrillator is available on site at  
8 the field or facility. The designated counselor or staff member shall  
9 be trained in cardio-pulmonary resuscitation and the use of the  
10 defibrillator in accordance with the provisions of section 3 of  
11 P.L.1999, c.34 (C.2A:62A-25).

12 b. A youth camp shall be deemed to be in compliance with the  
13 requirements of this section if a State-certified emergency services  
14 provider or other certified first responder is on site at the athletic  
15 field or facility and has a defibrillator available for use on site.

16 c. A youth camp and its employees shall be immune from civil  
17 liability in the acquisition and use of a defibrillator pursuant to  
18 section 5 of P.L.1999, c.34 (C.2A:62A-27).

19

20 6. This act shall take effect immediately.

21

22

23

#### STATEMENT

24

25 This bill, which is designated "Janet's Law," is in memory of  
26 Janet Zilinski, an 11-year old who died of sudden cardiac arrest  
27 following a cheerleading squad practice. The provisions of this bill  
28 apply to athletic events and activities that take place through public  
29 and nonpublic schools, recreational departments, youth serving  
30 organizations and youth camps.

31 Specifically, the bill requires public school districts and  
32 nonpublic schools that include any of the grades kindergarten  
33 through 12 to ensure that, beginning on September 1, 2009:

- 34 • an automated external defibrillator (AED) is readily available  
35 and within reasonable proximity of the school athletic field or  
36 gymnasium, as applicable, at which a school-sponsored  
37 athletic event or team practice in which pupils of the district or  
38 nonpublic school are participating, is taking place;
- 39 • a team coach, or other designated staff member if there is no  
40 coach, who is present during the athletic event or team  
41 practice, is trained in cardio-pulmonary resuscitation (CPR)  
42 and the use of an AED. A school district or nonpublic school  
43 will be deemed to be in compliance with this requirement if a  
44 State-certified emergency services provider or other certified  
45 first responder is on site at the event or practice; and
- 46 • each AED is tested and maintained according to the  
47 manufacturer's operational guidelines or guidelines established

1 by any appropriate government agency and notification is  
2 provided to the appropriate first aid, ambulance, or rescue  
3 squad or other appropriate emergency medical services  
4 provider regarding the AED, the type acquired, and its  
5 location.

6 Under the provisions of the bill, instruction in CPR is required to  
7 be provided in a public school district as part of the curriculum each  
8 year for grades 9 through 12. In addition, public school districts  
9 must provide instruction in the use of an AED as part of the  
10 curriculum each year for grades 9 through 12.

11 The bill further provides that a school district and a nonpublic  
12 school and its employees will be immune from civil liability in the  
13 acquisition and use of an AED pursuant to the provisions of  
14 P.L.1999, c.34.

15 Also, beginning on September 1, 2009, the bill requires a  
16 municipal or county recreation department and a nonprofit youth  
17 serving organization (such as, Little Leagues, Babe Ruth Leagues,  
18 Pop Warner Leagues, Police Athletic Leagues, and youth soccer  
19 leagues), to ensure that there is available on site an AED at each  
20 youth athletic event and practice held on the department's or  
21 organization's home field. The department or organization must  
22 designate one or more umpires or coaches, as applicable, who will  
23 be present at the athletic event or practice, to be responsible for  
24 ensuring that the AED is available on site. The designated umpire  
25 or coach must be trained in CPR and the use of an AED.

26 Also, beginning September 1, 2009, a youth camp operating  
27 pursuant to P.L.1973, c.375 (C.26:12-1 et seq.) is required to ensure  
28 that there is available on site an AED within reasonable proximity  
29 of the camp's athletic fields or other indoor or outdoor athletic  
30 facilities. The youth camp must designate one or more counselors  
31 or other staff members who will be present at the athletic field or  
32 facility when campers are participating in athletic activities, to be  
33 responsible for ensuring that the AED is available on site at the  
34 field or facility. The designated counselor or staff member must be  
35 trained in CPR and the use of an AED.

36 As in the case of public school districts and nonpublic schools, a  
37 recreation department, youth serving organization, or youth camp  
38 will be deemed to be in compliance with the AED requirement if a  
39 State-certified emergency services provider or other certified first  
40 responder is on site at the athletic event or practice and has an AED  
41 available for use on site. As with school districts and nonpublic  
42 schools, a recreation department, youth serving organization, youth  
43 camp and its employees and volunteers will be immune from civil  
44 liability in the acquisition and use of an AED.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 157**

# **STATE OF NEW JERSEY**

DATED: JANUARY 23, 2012

The Senate Education Committee favorably reports a Senate Committee Substitute for Senate Bill No. 157.

This substitute, which is designated “Janet’s Law,” is in memory of Janet Zilinski, an 11-year old who died of sudden cardiac arrest following a cheerleading squad practice.

The substitute requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning on September 1, 2014:

- an automated external defibrillator (AED) is made available in an unlocked location at each school. The AED must be accessible during the school day and any other time in which a school-sponsored athletic event or team practice is taking place in which pupils of the district or nonpublic school are participating. The AED must be within reasonable proximity of the school athletic field or gymnasium;
- a team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during the athletic event or team practice, is trained in cardio-pulmonary resuscitation (CPR) and the use of an AED. A school district or nonpublic school is deemed to be in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice; and
- the AED is tested and maintained in accordance with the manufacturer's operational guidelines and notification is provided to the appropriate first aid, ambulance, rescue squad or other appropriate emergency medical services provider regarding the AED, the type acquired, and its location.

The substitute provides that a school district and a nonpublic school and their employees will be immune from civil liability in the acquisition and use of AEDs.

The substitute also requires that a public school district and a nonpublic school establish and implement an emergency action plan for responding to sudden cardiac events. The emergency action plan must be consistent with the other provisions of the substitute, and in

addition, at a minimum include: a list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications in CPR and the use of AEDs from training programs recognized by the Department of Health and Senior Services; and detailed procedures on responding to sudden cardiac events.

The substitute directs the State Board of Education, in consultation with the Commissioner of Health and Senior Services, to adopt rules and regulations necessary for its implementation.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 157**

# **STATE OF NEW JERSEY**

DATED: JUNE 18, 2012

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 157 (SCS).

The substitute bill requires public and nonpublic schools to have and maintain automated external defibrillators and to establish and implement emergency action plans for responding to sudden cardiac events.

The substitute bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, each public or nonpublic school has an automated external defibrillator available in an unlocked location on school property with an appropriate identifying sign. The substitute bill specifies the defibrillator must be accessible during the school day and any other time a school-sponsored athletic event or team practice is taking place in which pupils are participating. The substitute bill specifies the defibrillator must be within reasonable proximity of the school athletic field or gymnasium.

The substitute bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, a team coach, licensed athletic trainer, or other designated staff member (if there is no coach or licensed athletic trainer), who is present during the athletic event or team practice, is trained in cardio-pulmonary resuscitation and use of a defibrillator. The substitute bill specifies a school district or nonpublic school is in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

The substitute bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to ensure that, beginning September 1, 2014, each defibrillator is tested and maintained in accordance with the manufacturer's operational guidelines and notification is provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location.

The substitute bill provides that a school district or a nonpublic

school and its employees are immune from civil liability in the acquisition and use of a defibrillator.

The substitute bill requires public school districts and nonpublic schools that include any of the grades kindergarten through 12 to establish and implement an emergency action plan to respond to sudden cardiac events. The substitute bill specifies that the plan must be consistent with other provisions of the substitute bill, and must include: a list of not fewer than five school employees, team coaches, or licensed athletic trainers who hold certifications in cardio-pulmonary resuscitation and the use of defibrillators from certain recognized training programs; and detailed procedures for responding to sudden cardiac events.

The substitute bill directs the State Board of Education, in consultation with the Commissioner of Health and Senior Services, to adopt rules and regulations necessary for its implementation.

The substitute bill takes effect immediately upon enactment.

The legislation is designated as Janet's Law in memory of Janet Zilinski, an 11-year-old who died of sudden cardiac arrest following a cheerleading squad practice.

As reported by the committee, the Senate Bill No. 157 (SCS) is identical to Assembly Bill No. 1608 (ACS), as also reported by the committee.

#### FISCAL IMPACT:

In the Legislative Fiscal Estimate for the identical ACS, the Office of Legislative Services (OLS) notes that public school districts and nonpublic schools will incur increased costs to comply with the provisions of the legislation, but is unable to determine the magnitude of the increased costs.

The OLS notes the magnitude of the increased costs cannot be determined because it is unclear how many schools do not have defibrillators and will be required to acquire new or additional units, or how many schools have fewer than five staff members who hold certifications in cardio-pulmonary resuscitation and the use of defibrillators and will be required to train additional staff to comply with the bill.

Additionally, the increased costs cannot be determined because the cost to purchase each defibrillator and the cost to train each staff member in cardio-pulmonary resuscitation and the use of defibrillators are largely unknown. The State currently has a contract with a vendor under which a school district may purchase a defibrillator for \$829 per unit and the associated training for \$58 per trainee. However, the contract expires at the end of fiscal year 2011-2012, and does not include training in cardio-pulmonary resuscitation.

The OLS notes that the requirement that schools maintain defibrillators according to manufacturers' operational guidelines and the requirement that schools establish and implement an emergency

action plan may also contribute to increased costs incurred, but expects those costs to be minimal.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 157**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: AUGUST 3, 2012

**SUMMARY**

**Synopsis:** “Janet’s Law”; requires public and nonpublic schools to have automated external defibrillators and to establish action plans for responding to sudden cardiac events.

**Type of Impact:** Expenditure increase in local school districts.

**Agencies Affected:** Local school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>Local Cost</b>	Indeterminate Increase – See Comments Below		

- The Office of Legislative Services (OLS) anticipates that the Senate Committee Substitute for Senate Bill No. 157 of 2012 will lead to an indeterminate increase in expenditures for local school districts. The potential cost is indeterminate for three reasons: 1) it is unclear how many schools would be required to purchase an automated external defibrillator (AED) as a result of the legislation, 2) the bill requires that each school have five employees, coaches, or athletic providers certified and trained in the use of AED and in performing cardiopulmonary resuscitation (CPR), and 3) the cost of training current and additional personnel.
- While the State contract expires at the end of the current fiscal year, it may be useful for providing a general idea of what an AED would cost after the contract’s expiration. Under the contract, a school district may purchase an AED for \$829 per unit, and training services for \$58 per trainee. The OLS has not identified a similar State contract for the provision of CPR training; the American Red Cross offers such training courses at approximately \$70 per participant, which leads to a certification that is valid for two years.

## **BILL DESCRIPTION**

The Senate Committee Substitute for Senate Bill No. 157 of 2012 requires each public and nonpublic school to have an AED that is accessible during the school day, or any other time when a school-sponsored athletic event or team practice is taking place in which students of the district or nonpublic school are participating. A team coach, licensed athletic trainer, or other designated staff who is present at the athletic event or team practice must be trained in the use of an AED and in performing CPR. A school will be considered in compliance with this requirement if a State-certified emergency services provider or other certified first responder is present at the event or practice. Additionally, each school must establish and implement an emergency action plan that includes having at least five school employees, team coaches, or licensed athletic providers trained in the use of an AED and in performing CPR.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS anticipates that the Senate Committee Substitute for Senate Bill No. 157 of 2012 will lead to an indeterminate increase in expenditures for local school districts. There are three reasons why the cost cannot be determined. First, it is unclear how many schools do not currently have an AED in the building, and second, it is unknown the number of schools that have fewer than five staff members who are trained in the use of an AED or in administering CPR. Third, the precise cost of an AED and training required under the bill are also unknown. The State currently has a contract with a vendor, under which a school district may purchase an AED for \$829 per unit, and the associated training for \$58 per trainee. However, this contract expires at the end of fiscal year 2011-2012, and the cost in subsequent years is not known. This State contract does not include training individuals in the administration of CPR. The American Red Cross offers such courses at a cost of \$70 per person, which leads to a certification that is valid for two years.

*Section:*        *Education*

*Analyst:*      *Allen T. Dupree*  
                    *Lead Fiscal Analyst*

*Approved:*    *David J. Rosen*  
                    *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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# Governor Chris Christie Signs Lifesaving Janet's Law

Friday, September 21, 2012 Tags: [Other](#)

## ***New Law Makes Automated External Defibrillators (AED) and Cardiac Emergency Action Plans a Requirement in All New Jersey Schools***

Trenton, NJ – Acting to safeguard the lives of New Jersey's K-12 students, Governor Chris Christie today signed "Janet's Law," requiring all public and nonpublic schools to have automated external defibrillators (AED) on site. In addition, the new law (A-1608), calls for schools to establish emergency action plans to respond to sudden cardiac events, in order to be as prepared as possible to deal with life-threatening emergencies. The law is named in memory of Janet Zilinski, an 11-year-old resident from Warren who died of sudden cardiac arrest following cheerleading squad practice.

"By signing Janet's Law, we hope to prevent other families from having to live through the shock and sorrow of unexpectedly losing a beloved child to an emergency cardiac situation," said Governor Christie. "This law ensures that our schools will be prepared by having the appropriate equipment and that designated staff is properly trained to handle these sudden events before, during and after school. I am proud to sign this law in memory of Janet and I thank her parents, Karen and Jim Zilinski, for their commitment and action taken in their daughter's name to help prevent other families from facing the same tragedy."

As a result of Janet's Law, all public and non-public schools, K-12, will have an automated external defibrillator on school property that is properly identified in an unlocked location beginning September 1, 2014. The defibrillator must be accessible during the school day as well as during school-sponsored athletic events or team practices and within reasonable proximity to the school athletic field or gymnasium.

A school's emergency action plan must contain a list of at least five school employees, team coaches or athletic trainers who have certifications in cardio-pulmonary resuscitation and the use of a defibrillator from either the American Red Cross, American Heart Association, or other training program recognized by the New Jersey Department of Health. Further, the detailed response procedure must identify the appropriate school official responsible for responding to the person experiencing the sudden cardiac event, calling 911, starting cardio-pulmonary resuscitation, retrieving and using the defibrillator, and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

"Saving lives is the most important goal of Janet's Law," said Assembly Minority Leader Jon Bramnick. "All schools will now have a defibrillator available and an emergency plan in place which will help avoid the tragedy which the Lipinski family experienced. I appreciate the unanimous support this bill received in the Legislature and I thank Governor Christie for signing it into law."

The State Board of Education, in consultation with the Commissioner of Health, will adopt rules and regulations as necessary to implement the provisions of the legislation.

Primary sponsors of the legislation include Assemblymembers Jon M. Bramnick (R-Morris, Somerset, Union); Craig J. Coughlin (D-Middlesex); Vincent Prieto (D-Bergen, Hudson); Patrick J. Diegnan, Jr. (D-Middlesex); Thomas P. Giblin (D-Essex, Passaic); and David P. Rible (R-Monmouth, Ocean).

###

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