**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3978**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb‑Hunter

Document Path: l:\council\bills\nbd\11457ac09.docx

Introduced in the House on April 29, 2009

Currently residing in the House Committee on **Education and Public Works**

Summary: Automated external defibrillator

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/29/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑8

4/29/2009 House Referred to Committee on **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑9

**VERSIONS OF THIS BILL**

[4/29/2009](file:///p:\pprever\2009-10\3978_20090429.docx)

**A** **BILL**

TO AMEND SECTION 59‑17‑155, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT EACH SCHOOL DISTRICT IMPLEMENT AN AUTOMATED EXTERNAL DEFIBRILLATOR (AED) PROGRAM FOR EACH HIGH SCHOOL IN THE DISTRICT, SO AS TO REQUIRE BIANNUAL EMERGENCY AED PRACTICE EXERCISES ON SCHOOL GROUNDS, TO REQUIRE EACH HIGH SCHOOL TO OBTAIN AND DESIGNATE AN AED FOR TRAINING PURPOSES, AND TO PROVIDE THE REQUIREMENTS FOR THE TRAINING PROGRAM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59-17-155 of the 1976 Code, as added by Act 278 of 2008, is further amended to read:

“Section 59-17-155. (A) Subject to appropriations by the General Assembly, each school district shall develop and implement an automated external defibrillator program meeting the requirements of Chapter 76 ~~of~~, Title 44 ~~of the 1976 Code~~ for each high school in the district. The program must ~~include provisions that~~:

(1) require having an operational automatic external defibrillator on the grounds of the high school;

(2) require all persons who are reasonably expected to use the device to obtain appropriate training, including completion of a course in cardiopulmonary resuscitation or a basic first aid course that includes cardiopulmonary resuscitation training and demonstrated proficiency in the use of an automated external defibrillator. The school district superintendent, or the superintendent’s designee, shall determine who is reasonably expected to use the device;

(3) establish guidelines for periodic inspections and maintenance of the defibrillators; ~~and~~

(4) define the purpose of the program and the manner in which the program will operate; and

(5) require biannual practice emergency exercises with trained personnel on the high school grounds.

(B)(1) ~~Any~~ A person or entity acting in good faith and gratuitously ~~shall be~~ is immune from civil liability for the use of an automated external defibrillator unless the person was grossly negligent in the use.

(2) ~~Any~~ A designated automated external defibrillator user meeting the requirements of Section 44‑76‑30(1) and acting according to the required training ~~shall be~~ is immune from civil liability for the application of an automated external defibrillator unless the application was grossly negligent.

(3) A person or entity acquiring an automated external defibrillator and meeting the requirements of Section 44‑76‑30 or an automated external defibrillator liaison meeting the requirements of Section 44‑76‑30 ~~shall be~~ is immune from civil liability for the use of an automated external defibrillator by any person or entity described in ~~items (1) or (2) of this~~ subsection (B)(1) or (2).

(4) A prescribing physician ~~shall be~~ is immune from civil liability for authorizing the purchase of an automated external defibrillator, unless the authorization was grossly negligent.

(C) ~~Any~~ A person or entity, acting in good faith and gratuitously, that teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillator is immune from civil liability for providing this training for use if the:

(1) person or entity has provided the training in accordance with the guidelines and policies of a national training organization, as defined in Section 44‑76‑30(1);

(2) person providing the training is authorized to deliver that course or curriculum; and

(3) training delivery was not grossly negligent.

(D) In addition to the automated external defibrillators required by subsection (A), every high school shall obtain an automated external defibrillator designated for training purposes by December 31, 2010. The additional device must be used to provide training on the use of the device to every student attending the high school and all instructional and administrative personnel employed by the high school. The training must be provided by a person, entity, or qualified school personnel that teaches or is certified to provide a training program for cardiopulmonary resuscitation that includes training in the use of an automated external defibrillator. The school district may either contract with or accept a gratuitous offer from a certified person or entity to provide the training. The school district also may enter into a partnership with or receive contributions from a private person or entity to help defray costs associated with the training required by this subsection and the purchase of automated external defibrillators. A student or employee who receives training pursuant to this subsection, and who is not otherwise immune from civil liability as provided by this section, is immune from civil liability for the application of an automated external defibrillator unless the application was grossly negligent.

(E) The State Budget and Control Board may ~~establish~~ develop a state contract for the purchase of automated external defibrillators.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑