

South Carolina AED Law

Senate Bill 728 - Passed 1999

A BILL

TO AMEND TITLE 44 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEALTH, BY ADDING CHAPTER 76, THE "SOUTH CAROLINA AUTOMATED EXTERNAL DEFIBRILLATOR ACT".

Amend Title to Conform

Whereas, the General Assembly of the State of South Carolina finds that each year more than two hundred fifty thousand Americans die from out-of-hospital sudden cardiac arrest. More than ninety-five percent of these deaths occur, in many cases, because life saving defibrillators arrive on the scene too late, if at all; and

Whereas, the American Heart Association estimates that more than twenty thousand deaths could be prevented each year if defibrillators were more widely available to designated responders; and

Whereas, communities in South Carolina, as well as around the country, have invested in 911 emergency response systems, personnel providing emergency services, and ambulance vehicles. However, many of the communities do not have enough defibrillators to meet the needs of their communities. Accordingly, the General Assembly encourages greater acquisition, deployment, and use of automated external defibrillators in communities across the State. Now, therefore, be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The 1976 Code is amended by adding:

"Chapter 76

Automated External Defibrillators

Section 44-76-10. This act may be cited as the 'South Carolina Automated External Defibrillator Act'.

Section 44-76-20. For purposes of this chapter:

(1) 'Automated external defibrillator' or 'AED' means an automated external defibrillator which is a medical device heart monitor and defibrillator that:

(a) has received approval of its pre-market notification filed pursuant to the United States Code, Title 21, Section 360(k), from the United States Food and Drug Administration;

(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

(c) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

(2) 'Health care professional' means a licensed physician, surgeon, physician's assistant, nurse practitioner, or nurse.

(3) 'Designated AED user' means a person identified by the person or entity acquiring an AED who has received training in the use of an AED pursuant to this chapter.

Section 44-76-30. (A) A person or entity that acquires an AED shall:

(1) require its designated AED users to have current training in CPR and AED use by the American Heart Association, American Red Cross, or National Safety Council;

(2) maintain and test the AED according to the manufacturer's operational guidelines and keep written records of maintenance and testing;

(3) employ or obtain a health care professional to serve as its AED liaison;

(4) have in place an AED program approved by its AED liaison which includes CPR and AED training, AED protocol or guidelines, AED deployment strategies, and an AED equipment maintenance plan;

(5) include in its AED protocol or guidelines that a person who renders emergency care or treatment to a person in cardiac arrest caused by ventricular fibrillation/tachycardia by using an AED must activate the emergency medical services system or 911 as soon as possible;

(6) report any clinical use of the AED to the AED liaison.

Section 44-76-40. (1) Any person or entity acting in good faith and gratuitously shall be immune from civil liability for the application of an AED unless the person was grossly negligent in the application.

(2) Any designated AED users meeting the requirements of Section 44-76-30(1) and acting according to the required training shall be immune from civil liability for the application of an AED unless the application was grossly negligent.

(3) A person or entity acquiring an AED and meeting the requirements of Section 44-76-30 or an AED liaison meeting the requirements of Section 44-76-30 shall be immune from civil liability for the application of an AED by any person or entity described in items (1) or (2) of this section.

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

Section 44-76-50. The provisions of this chapter do not apply to emergency medical services, a physician's office, or a health care facility as defined in Section 44-7-130(10)."

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