

South Carolina General Assembly

117th Session, 2007-2008

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(A278, R322, H3723)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION [59-17-155](#) SO AS TO REQUIRE, SUBJECT TO APPROPRIATIONS BY THE GENERAL ASSEMBLY, EACH SCHOOL DISTRICT IN THIS STATE TO DEVELOP AND IMPLEMENT AN AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM FOR EACH HIGH SCHOOL IN THE DISTRICT WHICH REQUIRES THAT SUCH A DEFIBRILLATOR IS PROVIDED ON THE GROUNDS OF EACH HIGH SCHOOL, THAT DISTRICT EMPLOYEES AND VOLUNTEERS REASONABLY EXPECTED TO USE THE DEVICE, AS DETERMINED BY THE DISTRICT SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, ARE TRAINED IN ITS USE, AND THAT THESE DEVICES ARE PERIODICALLY INSPECTED AND MAINTAINED, TO PROVIDE THE DISTRICT SHALL DEFINE THE PROGRAM AND THE MANNER IN WHICH IT OPERATES, TO PROVIDE IMMUNITY FROM CIVIL LIABILITY WITH RESPECT TO THIS PROGRAM EXCEPT FOR GROSSLY NEGLIGENT ACTS, AND TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO ESTABLISH A STATE CONTRACT FOR THE PROCUREMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS.

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

School districts, automated external defibrillators

SECTION 1. Chapter 17, Title 59 of the 1976 Code is amended by adding:

"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 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.

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

(2) Any designated automated external defibrillator user 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 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 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.

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

(C) Any 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) The Budget and Control Board may establish a state contract for the purchase of automated external defibrillators."

Time effective

SECTION 2. This act takes effect upon approval by the Governor and first applies for the 2008-2009 school year.

Ratified the 29th day of May, 2008.

Vetoed by the Governor -- 6/4/08.

Veto overridden by House -- 6/5/08.

Veto overridden by Senate -- 6/5/08.