**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3576**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Lawson, Pope, Chapman and Bauer

Companion/Similar bill(s): 3831

Document Path: LC-0181WAB25.docx

Introduced in the House on January 14, 2025

Currently residing in the House

Summary: Luke Barrett Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/12/2024 House Prefiled

12/12/2024 House Referred to Committee on **Education and Public Works**

1/14/2025 House Introduced and read first time ([House Journal‑page 250](h:\hj\20250114.docx))

1/14/2025 House Referred to Committee on **Education and Public Works** ([House Journal‑page 250](h:\hj\20250114.docx))

1/28/2025 House Member(s) request name added as sponsor: Bauer

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**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3576_20241212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “LUKE BARRETT ACT” BY ADDING SECTION 59‑17‑165 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF CARDIAC EMERGENCY RESPONSE PLANS IN PUBLIC SCHOOLS AND FOR SCHOOL‑SPONSORED ATHLETIC PRACTICES AND EVENTS, TO PROVIDE REQUIREMENTS FOR THE DEVELOPMENT AND CONTENTS OF THE PLANS, TO PROVIDE TRAINING REQUIREMENTS RELATED TO THE PROGRAM, AND TO PROVIDE CERTAIN IMMUNITY FOR ACTIONS UNDERTAKEN PURSUANT TO THIS ACT, AMONG OTHER THINGS; AND BY AMENDING SECTION 59‑17‑155, RELATING TO AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAMS IN PUBLIC HIGH SCHOOLS, SO AS TO EXPAND THE PROVISIONS TO COVER ALL PUBLIC SCHOOLS INCLUDING CHARTER SCHOOLS, TO PROVIDE PUBLIC SCHOOLS SHALL ENSURE ACCESSIBILITY TO AUTOMATIC EXTERNAL DEFIBRILLATORS AT SCHOOL AND OFF‑SITE ATHLETIC EVENTS, TO PROVIDE TESTING AND MAINTENANCE REQUIREMENTS FOR THE AUTOMATIC EXTERNAL DEFIBRILLATORS, AND TO PROVIDE RELATED TRAINING REQUIREMENTS.

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

SECTION 1. This act may be cited as the “Luke Barrett Act.”

SECTION 2. Chapter 17, Title 59 of the S.C. Code is amended by adding:

Section 59‑17‑165. (A) As used in this section:

(1) “Cardiac Emergency Response Plan” or “CERP” means a written document that establishes the specific steps to reduce death from cardiac arrest in a school, workplace, sports facility, or any other school setting.

(2) “Automated External Defibrillator” or “AED” has the same meaning as found in Section 44‑76‑20.

(3) “Sudden Cardiac Arrest” means the occurrence of when the heart malfunctions and stops beating unexpectedly.

(B) Each public school district or charter school authorizer shall develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life‑threatening emergency while on school grounds.

(C) Each public school district or charter school authorizer with an athletic department or organized athletic program shall develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life‑threatening emergency while attending or participating in a school‑sponsored athletic practice or event.

(D) District officials shall work with local emergency service providers to integrate the community’s emergency management system (EMS) protocols in its CERP. Each CERP shall contain at the minimum, evidence‑based standards, in accordance with recommendations or core elements set by the American Heart Association or nationally recognized recommendations or core elements, such as:

(1) establishment of a school-level cardiac emergency response team;

(2) activation of the team in response to a sudden cardiac arrest;

(3) implementation of AED placement and routine maintenance within each school campus;

(4) maintaining ongoing designated staff training in cardiopulmonary resuscitation and AED use;

(5) periodic practice of CERP function which may include drills involving individuals identified by the school-level cardiac emergency response team;

(6) integration of local medical resources into the plan; and

(7) ongoing and annual review and evaluation of the plan.

(E) Appropriate AED placement must comply with the CERP in accordance with evidence‑based, emergency cardiovascular care guidelines.

(F) Subject to funding by the General Assembly or South Carolina Department of Education, appropriate school staff must be trained in first aid, CPR, and AED. The training must follow evidence‑based guidelines recommended by nationally recognized, evidence‑based guidelines for such training. Designation of staff to be trained pursuant to this subsection must be determined by the CERP which may include, but may not be limited to, athletic coaches, school nurses, and athletic trainers.

(G)(1) A public school, public school district, public school district governing authority, charter school, charter school authorizing authority, private school governing authority, the South Carolina Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to a school nurse and other designated school personnel, who undertake an act under this section, are not subject to civil or criminal liability for damages caused by injuries to a student or another person resulting from action take pursuant to this section:

(2) The immunity granted pursuant to item (1) also applies to individuals and entities who:

(a) develop or implement, or participate in the development or implementation of, a plan, pursuant to subsection (B) or (C) including, but not limited to, providing training to school nurses and other designated school personnel;

(b) make publicly available a plan, pursuant to subsection (B) or (C);

(c) provide first aid, CPR, or use an AED pursuant to the activation of the cardiac emergency response plan.

(3) The immunity granted pursuant to this subsection:

(a) does not apply to acts or omissions constituting gross negligence or willful, wanton, or reckless conduct; and

(b) is in addition to, and not in lieu of, immunity provided pursuant to Sections 15‑1‑310, 15‑78‑10, and any other provisions of law.

(4) First aid, CPR, and AED administration pursuant to this section is not the practice of medicine or nursing.

SECTION 3. Section 59‑17‑155 of the S.C. Code is amended to read:

Section 59‑17‑155. (A) Subject to appropriationsfunding by the General Assembly or South Carolina Department of Education, each school district shall develop and implement an automated external defibrillator program meeting the requirements of Chapter 76, of Title 44 of the 1976 S.C. Code for each highpublic or charter school in the district. The program must include provisions that:

(1) require an operational automaticautomated 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) Subject to funding by the General Assembly or South Carolina Department of Education and notwithstanding the provisions of any law, rule, or regulation to the contrary, each public school shall ensure that:

(1) an automated external defibrillator, as defined in Section 44‑76‑20, shall be accessible from each school athletic venue and made available in an unlocked location with appropriate signage on school property as identified in the district cardiac emergency response plan. The automated external defibrillator must be accessible during the school day and any other time in which a school‑sponsored athletic event or team practice in which students are participating. The presence of an emergency medical services provider, athletic trainer, school nurse, or athletic coach equipped with an automated external defibrillator at a school athletic venue satisfies this requirement;

(2) an automated external defibrillator, as defined in Section 44‑76‑20, shall be made accessible by the host team at each off‑site athletic event as specified in the district cardiac emergency response plan. The presence of an emergency medical services provider, athletic trainer, school nurse, or athletic coach equipped with an automated external defibrillator at a school athletic event satisfies this requirement;

(3) each defibrillator shall be tested and maintained according to the manufacturer’s operational guidelines and notification must be provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the type of defibrillator available and its location; and

(4) all athletics coaches shall obtain and maintain training in cardiopulmonary resuscitation, first aid, and the use of the automated external defibrillator. Training in cardiopulmonary resuscitation and automated external defibrillator use must be consistent with evidence‑based, emergency cardiovascular care guidelines.

(B)(C)(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)(D) 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)(E) The Department of Administration may establish a state contract for the purchase of automated external defibrillators.

SECTION 4. The South Carolina Department of Education shall adopt rules and promulgate regulations as necessary to implement the provisions of this act.

SECTION 5. The provisions of this act take effect July 1, 2026, and are applicable beginning with the 2027‑2028 School Year.

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