

Honolulu, Hawaii

April 26, 2007

RE: S.B. No. 1675
S.D. 1
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1675, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to encourage the use of automated external defibrillators by strengthening the law regarding civil liability.

Specifically, this bill changes the term automatic external defibrillator to automated external defibrillator and provides immunity from liability to any individual who administers an automated external defibrillator in a good faith attempt to resuscitate another person in immediate danger of loss of life, instead of providing immunity only to those who have successfully completed a training program.



Your Committee on Conference amended this bill to encourage employers and businesses to provide this life saving technology by:

- (1) Removing employers from vicarious liability for civil damages resulting from the provision of an automated external defibrillator, clarifying that employer liability only attaches as a result of a person's or employer's gross negligence or wanton acts or omissions; and
- (2) Removing the requirement that only employers who provide a defibrillator program shall be immune from liability.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1675, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1675, S.D. 1, H.D. 1, C.D. 1.

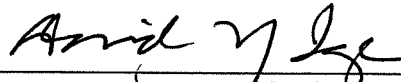
Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



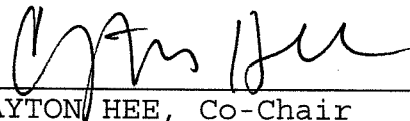
JOSHUA B. GREEN, M.D., Co-Chair



DAVID Y. IGE, Chair



TOMMY WATERS, Co-Chair



CLAYTON HEE, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

| | |
|---|--|
| Bill / Concurrent Resolution No.: SB 1675, SD 1, HD 1 | Date/Time: <u>4/26/07</u> <u>9:30 AM</u> |
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

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| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. |
|---|---|

| Senate Managers | A | WR | N | E | House Managers | A | WR | N | E |
|-----------------------|----------|----|---|----------|----------------------------|----------|----|---|----------|
| IGE, David Y., Chr. | ✓ | | | | GREEN, Josh, M.D., Co-Chr. | ✓ | | | |
| HEE, Clayton, Co-Chr. | ✓ | | | | WATERS, Tommy, Co-Chr. | ✓ | | | |
| FUKUNAGA, Carol | ✓ | | | | WARD, Gene, Ph.D. | | | | ✓ |
| WHALEN, Paul | | | | ✓ | | | | | |
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| TOTAL | 3 | | | 1 | TOTAL | 2 | | | 1 |

A = Aye WR = Aye with Reservations N = Nay E = Excused

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| Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted |
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| Senate Lead Chair's or Designee's Signature: | House Lead Chair's or Designee's Signature: |
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Distribution: **Original** **Yellow** **Pink** **Goldenrod**
File with Conference Committee Report *House Clerk's Office* *Senate Clerk's Office* *Drafting Agency*