
A BILL FOR AN ACT

RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 453-2, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
- 3 " (b) Nothing herein shall:
- 4 (1) Apply to so-called Christian Scientists so long as
5 they merely practice the religious tenets of their
6 church without pretending a knowledge of medicine or
7 surgery;
- 8 (2) Prohibit service in the case of emergency or the
9 domestic administration of family remedies;
- 10 (3) Apply to any commissioned medical officer in the
11 United States armed forces or public health service
12 engaged in the discharge of one's official duty, nor
13 to any practitioner of medicine and surgery from
14 another state when in actual consultation, including
15 but not limited to[-] in-person, mail, electronic,
16 telephonic, fiber-optic, or other telemedicine
17 consultation with a licensed physician of this State,
18 if the physician from another state at the time of



1 such consultation is licensed to practice in the state
2 in which the physician resides; provided that:

3 (A) The physician from another state shall not open
4 an office, or appoint a place to meet patients,
5 or receive calls within the limits of the State;
6 and

7 (B) The licensed physician of this State retains
8 control and remains responsible for the provision
9 of care for the patient; and

10 provided further that the laws and regulations
11 relating to contagious diseases are not violated;

12 (4) Prohibit services rendered by any person certified
13 under part II of this chapter to provide emergency
14 medical services, or any physician assistant, when the
15 services are rendered under the direction and control
16 of a physician licensed in this State except for final
17 refraction resulting in a prescription for spectacles,
18 contact lenses, or visual training as performed by an
19 oculist or optometrist duly licensed by the State.

20 The direction and control shall not be construed in
21 every case to require the personal presence of the
22 supervising and controlling physician. Any physician



1 who employs or directs a person certified under part
2 II of this chapter to provide emergency medical
3 services, or physician assistant, shall retain full
4 professional and personal responsibility for any act
5 which constitutes the practice of medicine when
6 performed by such person or physician assistant; or
7 (5) Prohibit [~~automatic~~] automated external defibrillation
8 by:
9 (A) Any first responder personnel certified by the
10 department of health to provide [~~automatic~~]
11 automated external defibrillation when it is
12 rendered under the medical oversight of a
13 physician licensed in this State; or
14 (B) Any person [~~who successfully completes training~~
15 ~~under an automatic external defibrillator program~~
16 ~~administered by a physician. An "automatic~~
17 ~~external defibrillator program" means an~~
18 ~~appropriate training course that includes~~
19 ~~cardiopulmonary resuscitation and proficiency in~~
20 ~~the use of an automatic external defibrillator.]~~
21 acting in accordance with section 663-1.5(e)."



1 SECTION 2. Section 663-1.5, Hawaii Revised Statutes, is
2 amended by amending subsections (e) and (f) to read as follows:

3 "(e) Any person who [~~successfully completes training under~~
4 ~~any automatic external defibrillator program administered by a~~
5 ~~physician shall not be liable for any civil damages resulting~~
6 ~~from any act or omission while attempting]~~ in good faith,
7 without remuneration or expectation of remuneration, attempts to
8 resuscitate a person in immediate danger of loss of life when
9 administering any [~~automatic~~] automated external defibrillator,
10 regardless of where the [~~automatic~~] automated external
11 defibrillator that is used is located, shall not be liable for
12 any civil damages resulting from any act or omission except as
13 may result from the person's gross negligence or wanton acts or
14 omissions.

15 Any person, including an employer, who establishes an
16 [~~automatic~~] automated external defibrillator program shall not
17 be liable for any civil damages resulting from any act or
18 omission of the persons or employees trained under the program
19 who, in good faith and without remuneration or the expectation
20 of remuneration, attempt to resuscitate a person in immediate
21 danger of loss of life by administering an [~~automatic~~] automated
22 external defibrillator.



1 (f) Any physician who administers an [~~automatic~~] automated
 2 external defibrillator program without remuneration or
 3 expectation of remuneration shall not be liable for any civil
 4 damages resulting from any act or omission involving the use of
 5 an [~~automatic~~] automated external defibrillator, except as may
 6 result from the physician's gross negligence or wanton acts or
 7 omissions."

8 SECTION 3. Section 663-1.5, Hawaii Revised Statutes, is
 9 amended by amending subsection (h) to read as follows:

10 "(h) For the purposes of this section:

11 "[~~Automatic~~] Automated external defibrillator program"

12 [~~shall have the meaning provided in section 453-2(b)(5)(B).~~]

13 means an appropriate training course that includes
 14 cardiopulmonary resuscitation and proficiency in the use of an
 15 automated external defibrillator.

16 "Good faith" includes but is not limited to a reasonable
 17 opinion that the immediacy of the situation is such that the
 18 rendering of care should not be postponed.

19 "Rescue team" means a special group of physicians, basic
 20 life support personnel, advanced life support personnel,
 21 surgeons, nurses, volunteers, or employees of the owners or
 22 operators of the hospital or authorized emergency vehicle who



1 have been trained in basic or advanced life support and have
2 been designated by the owners or operators of the hospital or
3 authorized emergency vehicle to attempt to provide such support
4 and resuscitate persons who are in immediate danger of loss of
5 life in cases of emergency."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.



S.B. NO. 1675
S.D. 1
H.D. 1

Report Title:

Automated External Defibrillators; Liability

Description:

Abolishes requirement that automated external defibrillator program be administered by physician to be immune from tort liability under certain circumstances. (SB1675 HD1)

SB1675 HD1 HMS 2007-3544

