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Comments for HB 1537, HD 1 "Relating To Automated External Defibrillators"

The American Heart Association Supports HB 1537, HD 1. Its interpretation of the current "Good Samaritan" law is that providers of automated external defibrillation (AED) programs in Hawaii are granted limited liability. The law currently reads, "Any person, including an employer, who provides for an automated external defibrillator shall not be vicariously liable for any civil damages resulting from any act or omission of the persons or employees who, in good faith and without remuneration or the expectation of remuneration, attempt to resuscitate a person in immediate danger of loss of life by administering an automated external defibrillator, except as may result from a person's or employer's gross negligence or wanton acts or omissions. "

HB 1537, HD 1 proposes to clarify that "providers" of AED programs are generally immune from vicarious civil liability resulting from any act or omission of a "Good Samaritan attempting to use an AED to resuscitate a person. Such protection is key to eliminating the threat of legal action for implementing an AED program. The American Heart Association strongly supports the implementation of public access defibrillation programs where appropriate. Those programs have proven to be lifesavers. For example, since the Hawaii airports implemented a public access AED program, more than a half-dozen lives have been saved and a survival rate of greater than 60 percent has been achieved at airport locations. Prior to the establishment of that program, cardiac arrest survival rates, like in most public locations, were below five percent.

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- According to NCHS Data Warehouse mortality data, 310,000 CHD deaths occur out-of-hospital or in hospital emergency departments annually (2004) (ICD-10 codes I20-I25). (*Vital Statistics of the U.S., Data Warehouse, NCHS; <http://www.cdcgov/nchs/datawh.htm>*.)
- On average, 27.4 percent of out-of-hospital cardiac arrests receive bystander cardiopulmonary resuscitation (CPR). (*Ann Emerg Med. 1999;34:517-525*.)
- The incidence of lay responder defibrillation is low, 2.05 percent in 2002, but increasing over time. (*Circulation. 2004;109:1859-1863*.)

As has been demonstrated at the Hawaii airports, many more lives can be saved if more members of the public can be trained in CPR and more public access defibrillation programs can be established in appropriate locations. The Hawaii legislature can encourage public access AED programs by eliminating perceived legal threats and barriers. HB 1537, HD 1 helps move in that direction.

Respectfully submitted,

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