



LATE

## Testimony for HB 1537 "Relating To Automated External Defibrillators"

The American Heart Association Supports HB 1537. It's 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 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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*"Building healthier lives,  
free of cardiovascular  
diseases and stroke."*

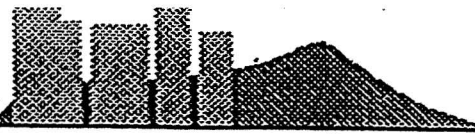
- According to NCHS Data Warehouse mortality data, 310,000 CHD deaths occur out-of-hospital or in hospital emergency departments annually (2004) (ICD-10 codes I20-I25). (*Vital Statistics of the U.S., Data Warehouse, NCHS; <http://www.cdc.gov/nchs/datawh.htm>*.)
- On average, 27.4 percent of out-of-hospital 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 helps move in that direction.

Respectfully submitted,

Don Weisman  
Hawaii Communications and Marketing/Government Affairs Director

# H.I.C.C.O.



**HAWAII INDEPENDENT CONDOMINIUM & COOPERATIVE OWNERS**  
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LATE

February 13, 2009

Rep. Ryan I Yamane, Chair  
Rep. Scott Y. Nishimoto, Vice Chair  
Committee on Health

### **Testimony on HB 1537 Relating to Automated External Defibrillators**

Dear Representatives:

Thank you for this opportunity to testify in support of HB 1537 on behalf of the Hawaii Independent Condominium and Co-op Owners (HICCO).

Many of our condominiums, in keeping with the importance of saving lives, have installed Automated External Defibrillators and have instituted AED programs. It is important that condominium associations not be punished for their good intentions and good work.

My own condominium has had an AED program for several years. This bill would ensure that if we have an AED program and act in good faith in allowing our trained staff to use an AED that we will not be subject to civil damages if something goes wrong.

Our organization would appreciate your committee's support of HB 1537.

Sincerely,

*Richard Port*

Richard Port, Chair  
Legislative Committee