

JAN 20 2010

A BILL FOR AN ACT

RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS.

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

1 SECTION 1. The legislature finds that more than two
2 hundred fifty thousand Americans die from sudden cardiac arrest
3 each year. The legislature further finds that eighty per cent
4 of cardiac arrests occur at home, at a workplace, or at
5 locations that people normally frequent, such as schools.
6 According to the Sudden Cardiac Arrest Association, a victim's
7 rate of survival is ninety per cent if defibrillation is
8 provided within the first minute following cardiac arrest, and
9 the rate of survival decreases by approximately ten per cent
10 every minute thereafter. Thirty to fifty per cent of victims
11 will likely survive if cardiopulmonary resuscitation and an
12 automated external defibrillator are used within five minutes of
13 collapse.

14 The purpose of this Act is to improve the safety of
15 students, faculty, staff, and visitors at Hawaii's schools by
16 requiring all public and private elementary schools, middle
17 schools, high schools, the University of Hawaii and community
18 colleges, and accredited and unaccredited degree granting



1 institutions to maintain at least one properly functioning
2 automated external defibrillator in a clearly visible, well-
3 marked location on the campus of each school and to require the
4 presence of at least one staff person who is trained in the
5 operation and use of an automated external defibrillator
6 whenever school facilities are used for school-sponsored or
7 school-approved curricular or extracurricular activities and
8 wherever a school-sponsored athletic contest is held, beginning
9 with:

- 10 (1) The 2012-2013 school year for all public and private
11 middle schools, high schools, the University of Hawaii
12 and community colleges, and accredited and
13 unaccredited degree granting institutions; and
14 (2) The 2014-2015 school year for all public and private
15 elementary schools.

16 SECTION 2. The Hawaii Revised Statutes is amended by
17 adding a new chapter to be appropriately designated and to read
18 as follows:

19 "CHAPTER

20 AUTOMATED EXTERNAL DEFIBRILLATORS

21 § -1 Definitions. As used in this chapter, unless the
22 context clearly requires otherwise:



1 "Accredited institution" means a degree granting
2 institution that is accredited or is a candidate for
3 accreditation by at least one nationally recognized accrediting
4 agency that is listed by the United States Secretary of
5 Education.

6 "Automated external defibrillator" means a medical device
7 approved by the United States Food and Drug Administration that:

- 8 (1) Is capable of recognizing the presence or absence of
9 ventricular fibrillation or rapid ventricular
10 tachycardia in an individual;
- 11 (2) Is capable of determining, without intervention by an
12 operator, whether defibrillation should be performed
13 on the individual;
- 14 (3) Upon determining that defibrillation should be
15 performed, automatically charges and requests delivery
16 of an electrical impulse to the individual's heart;
17 and
- 18 (4) Upon action by an operator, automatically charges and
19 requests delivery of an appropriate electrical impulse
20 to the individual's heart to perform defibrillation.

21 "Degree granting institution" has the same meaning as in
22 section 446E-1. As used in this chapter, the term "degree



1 granting institution" shall not include the University of Hawaii
2 and any community college established and governed by the
3 University of Hawaii board of regents under chapter 304A.

4 "Unaccredited institution" has the same meaning as in
5 section 446E-1.

6 "University" means the University of Hawaii and any
7 community college established and governed by the University of
8 Hawaii board of regents under chapter 304A.

9 § -2 **Applicability.** This chapter shall apply to:

- 10 (1) All public schools, as defined in section 302A-101;
- 11 (2) All private elementary schools, middle schools, and
12 high schools;
- 13 (3) The university, as defined in section -1; and
- 14 (4) All accredited and unaccredited degree granting
15 institutions, as defined in section -1.

16 § -3 **Mandatory automated external defibrillators; public**
17 **and private schools.** (a) Beginning with the 2012-2013 school
18 year:

- 19 (1) The department of education shall maintain at least
20 one properly functioning automated external
21 defibrillator in a clearly visible, well-marked



- 1 location on each public middle school and high school
2 campus in the State;
- 3 (2) The charter school administrative office shall
4 maintain at least one properly functioning automated
5 external defibrillator in a clearly visible, well-
6 marked location on each charter middle school and high
7 school campus in the State;
- 8 (3) Each private middle school and high school in the
9 State shall maintain at least one properly functioning
10 automated external defibrillator on campus in a
11 clearly visible, well-marked location;
- 12 (4) The University of Hawaii shall maintain at least one
13 properly functioning automated external defibrillator
14 in a clearly visible, well-marked location on each
15 university campus; and
- 16 (5) Each accredited and unaccredited degree granting
17 institution shall maintain at least one properly
18 functioning automated external defibrillator on campus
19 in a clearly visible, well-marked location.
- 20 (b) Beginning with the 2014-2015 school year:
- 21 (1) The department of education shall maintain at least
22 one properly functioning automated external



1 defibrillator in a clearly visible, well-marked
2 location on each public elementary school campus in
3 the State;

4 (2) The charter school administrative office shall
5 maintain at least one properly functioning automated
6 external defibrillator in a clearly visible, well-
7 marked location on each charter elementary school
8 campus in the State; and

9 (3) Each private elementary school in the State shall
10 maintain at least one properly functioning automated
11 external defibrillator on campus in a clearly visible,
12 well-marked location.

13 (c) For purposes of this section, a school shall be deemed
14 an elementary school, middle school, or high school based on the
15 highest level of education offered by that school.

16 § -4 Mandatory trained automated external defibrillator
17 operator; public and private schools. (a) Beginning with:

18 (1) The 2012-2013 school year for each public middle
19 school and high school in the State; and

20 (2) The 2014-2015 school year for each public elementary
21 school in the State,



1 whenever public school facilities are used for school-sponsored
2 or school-approved curricular or extracurricular activities and
3 wherever a school-sponsored athletic contest is held, the
4 department of education shall require the presence of at least
5 one staff person who is trained in the operation and use of an
6 automated external defibrillator. Where a school-sponsored
7 competitive athletic event is held at a site other than a school
8 facility, the department shall assure that an automated external
9 defibrillator is provided on site.

10 (b) Beginning with:

11 (1) The 2012-2013 school year for each private middle
12 school and high school in the State; and

13 (2) The 2014-2015 school year for each private elementary
14 school in the State,

15 whenever a private school's facilities are used for school-
16 sponsored or school-approved curricular or extracurricular
17 activities and wherever a school-sponsored athletic contest is
18 held, the private school sponsoring the event shall require the
19 presence of at least one staff person who is trained in the
20 operation and use of an automated external defibrillator. Where
21 a school-sponsored competitive athletic event is held at a site
22 other than a private school facility, the private school



1 sponsoring the athletic event shall assure that an automated
2 external defibrillator is provided on site.

3 (c) Beginning with the 2012-2013 school year, whenever
4 university facilities are used for university-sponsored or
5 university-approved curricular or extracurricular activities and
6 wherever a university-sponsored athletic contest is held, the
7 university shall require the presence of at least one staff
8 person who is trained in the operation and use of an automated
9 external defibrillator. Where a university-sponsored
10 competitive athletic event is held at a site other than a
11 university facility, the university shall assure that an
12 automated external defibrillator is provided on site.

13 (d) Beginning with the 2012-2013 school year, whenever an
14 accredited or unaccredited degree granting institution's
15 facilities are used for institution-sponsored or institution-
16 approved curricular or extracurricular activities and wherever
17 an institution-sponsored athletic contest is held, the
18 institution sponsoring the activity or contest shall require the
19 presence of at least one staff person who is trained in the
20 operation and use of an automated external defibrillator. Where
21 an institution-sponsored competitive athletic event is held at a
22 site other than that institution's facility, the institution



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1 sponsoring the athletic event shall assure that an automated
2 external defibrillator is provided on site.

3 § -5 Exception to liability. Section 663-1.5 shall
4 apply when administering an automated external defibrillator in
5 the State."

6 SECTION 3. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

Mandatory Automated External Defibrillators; Public Schools;
Charter Schools; Private Schools; University of Hawaii

Description:

Requires at least one properly functioning automated external defibrillator in a clearly visible, well-marked location at every middle school, high school, college, and university campus beginning with the 2012-2013 school year and at every elementary school campus in the State beginning with the 2014-2015 school year.

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