
A BILL FOR AN ACT

RELATING TO TORTS.

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

1 SECTION 1. The legislature finds that every day, over
2 seven hundred lives are lost to sudden cardiac arrest in the
3 United States. Two out of three deaths occur before victims can
4 reach hospitals. More than ninety-five per cent of cardiac
5 arrest victims will die; many die due to the lack of readily
6 available life saving medical equipment. Up to thirty per cent
7 of cardiac arrest victims could be saved if they had access to
8 immediate medical response, including defibrillation and
9 cardiopulmonary resuscitation.

10 Lay rescuer programs that provide early recognition of
11 cardiac arrest, early cardiopulmonary resuscitation, and early
12 defibrillation within the first minutes of cardiac arrest can
13 increase survival by seven times or more. Communities that have
14 implemented programs ensuring widespread public access to
15 defibrillators, combined with appropriate training, maintenance,
16 and coordination with local emergency medical systems, have
17 dramatically improved the survival rates for victims in cardiac
18 arrest. In Hawaii, the promotion of early cardiopulmonary



1 resuscitation and defibrillation use could save an additional
2 one hundred victims of sudden cardiac arrest each year.

3 Accordingly, the purpose of this Act is to promote early
4 cardiopulmonary resuscitation to victims in cardiac arrest by
5 excepting from liability persons who perform cardiopulmonary
6 resuscitation in good faith.

7 SECTION 2. Section 663-1.5, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsections (e) and (f) to read:

10 "(e) Any person who in good faith, without remuneration or
11 expectation of remuneration, attempts to resuscitate a person in
12 [~~immediate danger of loss of life~~] a perceived medical emergency
13 when administering cardiopulmonary resuscitation or any
14 automated external defibrillator, regardless of where the
15 automated external defibrillator that is used is located, shall
16 not be liable for any civil damages resulting from any act or
17 omission except as may result from the person's gross negligence
18 or wanton acts or omissions.

19 Any person, including [~~an employer~~] employers and schools,
20 who [~~provides~~] provide for a cardiopulmonary resuscitation
21 training program, an automated external defibrillator, or an
22 automated external defibrillator training program shall not be



1 vicariously liable for any civil damages resulting from any act
2 or omission of [~~the persons or employees~~] a person who, in good
3 faith and without remuneration or the expectation of
4 remuneration, [~~attempt~~] attempts to resuscitate a person in
5 [~~immediate danger of loss of life~~] a perceived medical emergency
6 by administering cardiopulmonary resuscitation or an automated
7 external defibrillator, except as may result from [a] the
8 person's [~~or employer's~~] gross negligence or wanton acts or
9 omissions.

10 (f) Any physician or physician assistant who administers a
11 cardiopulmonary resuscitation training program or an automated
12 external defibrillator program without remuneration or
13 expectation of remuneration shall not be liable for any civil
14 damages resulting from any act or omission involving the
15 administration of cardiopulmonary resuscitation or the use of an
16 automated external defibrillator, except as may result from the
17 physician's or physician assistant's gross negligence or wanton
18 acts or omissions."

19 2. By amending subsection (h) to read:

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

21 "Automated external defibrillator program" means

22 appropriate training course that includes cardiopulmonary



1 resuscitation and proficiency in the use and proper maintenance
2 of an automated external defibrillator.

3 "Cardiopulmonary resuscitation" means an emergency
4 procedure consisting of the manual application of chest
5 compressions and ventilations to maintain circulation and
6 breathing to patients in cardiac arrest.

7 "Cardiopulmonary resuscitation training program" means an
8 appropriate training course that provides instruction on
9 recognizing a victim of cardiac arrest and in the manual
10 application of chest compressions and ventilations to patients
11 in cardiac arrest, which instruction may be through visual
12 media, brochures, or hands-on training sessions.

13 "Good faith" includes but is not limited to: (1) a
14 reasonable opinion that the immediacy of the situation is such
15 that the rendering of care should not be postponed[-] and (2)
16 actions that are reasonable under the circumstances.

17 "Perceived medical emergency" means circumstances in which
18 the behavior of an individual leads a reasonable person to
19 believe that the individual is experiencing a life-threatening
20 medical condition that requires an immediate medical response
21 regarding the heart or other cardiopulmonary functioning of the
22 individual."



1 "School" means any day care center, child care facility,
 2 headstart program, preschool, kindergarten, elementary,
 3 secondary school, or post-secondary school, public or private,
 4 including any special school for children in the State.

5 "Rescue team" means a special group of physicians, basic
 6 life support personnel, advanced life support personnel,
 7 surgeons, nurses, volunteers, or employees of the owners or
 8 operators of the hospital or authorized emergency vehicle to
 9 attempt to provide such support and resuscitate persons who are
 10 in immediate danger of loss of life in cases of emergency."

11 SECTION 3. This Act does not affect rights and duties that
 12 matured, penalties that were incurred, and proceedings that were
 13 begun before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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HB HMS 2011-1685



JAN 20 2012

Report Title:

Liability; Exceptions; Good Faith; Cardiopulmonary Resuscitation; Automated External Defibrillator Program

Description:

Relieves good Samaritans who perform cardiopulmonary resuscitation in good faith to victims in a perceived medical emergency from civil damages. Amends definition of automated external defibrillator program to include proper maintenance of such devices. Amends definition of good faith to include a reasonably prudent person standard. Defines school and perceived medical emergency.

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