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# 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 exempting from liability persons who, in good faith, perform or  
6 train others to perform cardiopulmonary resuscitation.

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]~~  
12 patient in [immediate danger of loss of life] a perceived  
13 medical emergency when administering cardiopulmonary  
14 resuscitation or any automated external defibrillator,  
15 regardless of where the automated external defibrillator that is  
16 used is located, shall not be liable for any civil damages  
17 resulting from any act or omission except as may result from the  
18 person's gross negligence or wanton acts or omissions.

19 Any person~~[, including an employer,]~~ who provides for a  
20 cardiopulmonary resuscitation training program, an automated  
21 external defibrillator, or an automated external defibrillator  
22 training program shall not be vicariously liable for any civil



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

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

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

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

20 "Automated external defibrillator program" means an  
21 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, with or without ventilations, to maintain  
6 circulation for patients in cardiac arrest.

7 "Cardiopulmonary resuscitation training program" means an  
8 appropriate training course that provides instruction on:

9 (1) Recognizing a victim of cardiac arrest;

10 (2) Manual application of chest compressions, with or  
11 without ventilations, to maintain circulation for  
12 patients in cardiac arrest which may be taught through  
13 visual media, brochures, or hands-on training  
14 sessions; and

15 (3) Providing immediate notification to emergency medical  
16 services by calling 911.

17 "Good faith" includes but is not limited to a reasonable  
18 opinion that the immediacy of the situation is such that the  
19 rendering of care should not be postponed[-]; and actions that  
20 are reasonable under the circumstances.

21 "Perceived medical emergency" means circumstances in which  
22 the behavior of an individual leads a reasonable person to



1 believe that the individual is experiencing a life-threatening  
2 medical condition regarding the heart or other cardiopulmonary  
3 functioning of the individual that requires an immediate medical  
4 response.

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 who  
9 have been trained in basic or advanced life support and have  
10 been designated by the owners or operators of the hospital or  
11 authorized emergency vehicle to attempt to provide such support  
12 and resuscitate [~~persons~~] patients who are in immediate danger  
13 of loss of life in cases of emergency."

14 SECTION 3. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Liability; Good Faith; Cardiopulmonary Resuscitation

**Description:**

Relieves good Samaritans from liability who perceive a medical emergency when performing CPR, defines CPR as chest compressions, with or without ventilation, and, among other things, requires CPR training programs to include instructions on calling 911. Effective July 1, 2050. (HB2312 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

