

JAN 20 2012

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Automated external defibrillators; requirements;
5 training. (a) All public schools shall have on the site of
6 every sporting event one or more fully automated external
7 defibrillators, as referenced in the definition of "basic life
8 support" under section 321-222, that is fully functioning and
9 properly maintained at all times, including periodic replacement
10 of batteries and pads.

11 (b) The department shall ensure that:

12 (1) The automated external defibrillator is maintained and
13 regularly tested according to the operation and
14 maintenance guidelines set forth by the
15 manufacturer, the American Heart Association, and the
16 American Red Cross, and according to any applicable
17 rules and regulations set forth by the governmental
18 authority under the federal Food and Drug



1 Administration and any other applicable state and
2 federal authority;

3 (2) The automated external defibrillator is checked for
4 readiness after each use and at least once every
5 thirty days if the automated external defibrillator
6 has not been used in the preceding thirty days;
7 provided that records of the checks shall be
8 maintained by the department and the individual
9 school; and

10 (3) Every trainer and teacher at each public school is
11 trained and certified at all times in the use of
12 automated external defibrillators."

13 SECTION 2. Chapter 302B, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§302B- Automated external defibrillators; requirements;
17 training. (a) All charter schools shall have on the site of
18 every sporting event one or more fully automated external
19 defibrillators, as referenced in the definition of "basic life
20 support" under section 321-222, that is fully functioning and
21 properly maintained at all times, including periodic replacement
22 of batteries and pads.



- 1 (b) The department shall ensure that:
- 2 (1) The automated external defibrillator is maintained and
3 regularly tested according to the operation and
4 maintenance guidelines set forth by the
5 manufacturer, the American Heart Association, and the
6 American Red Cross, and according to any applicable
7 rules and regulations set forth by the governmental
8 authority under the federal Food and Drug
9 Administration and any other applicable state and
10 federal authority;
- 11 (2) The automated external defibrillator is checked for
12 readiness after each use and at least once every
13 thirty days if the automated external defibrillator
14 has not been used in the preceding thirty days;
15 provided that records of the checks shall be
16 maintained by the department and the individual
17 school; and
- 18 (3) Every trainer and teacher at each charter school is
19 trained and certified at all times in the use of
20 automated external defibrillators."



1 SECTION 3. Chapter 302C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302C- Automated external defibrillators; requirements;
5 training. (a) All private schools shall have on the site of
6 every sporting event one or more fully automated external
7 defibrillators, as referenced in the definition of "basic life
8 support" under section 321-222, that is fully functioning and
9 properly maintained at all times, including periodic replacement
10 of batteries and pads.

11 (b) Each private school shall ensure that:

12 (1) The automated external defibrillator is maintained and
13 regularly tested according to the operation and
14 maintenance guidelines set forth by the
15 manufacturer, the American Heart Association, and the
16 American Red Cross, and according to any applicable
17 rules and regulations set forth by the governmental
18 authority under the federal Food and Drug
19 Administration and any other applicable state and
20 federal authority;

21 (2) The automated external defibrillator is checked for
22 readiness after each use and at least once every



1 thirty days if the automated external defibrillator
2 has not been used in the preceding thirty days;
3 provided that records of the checks shall be
4 maintained by the private school; and
5 (3) Every trainer and teacher at each private school is
6 trained and certified at all times in the use of
7 automated external defibrillators."

8 SECTION 4. Chapter 304A, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§304A- Automated external defibrillators;
12 requirements; training. (a) All divisions and campuses of the
13 University of Hawaii system shall have on the site of every
14 sporting event one or more fully automated external
15 defibrillators, as referenced in the definition of "basic life
16 support" under section 321-222, that is fully functioning and
17 properly maintained at all times, including periodic replacement
18 of batteries and pads.

19 (b) The athletic department of the University of Hawaii,
20 with regard to each institution under the University of Hawaii
21 system, shall ensure that:



- 1 (1) The automated external defibrillator is maintained and
2 regularly tested according to the operation and
3 maintenance guidelines set forth by the
4 manufacturer, the American Heart Association, and the
5 American Red Cross, and according to any applicable
6 rules and regulations set forth by the governmental
7 authority under the federal Food and Drug
8 Administration and any other applicable state and
9 federal authority;
- 10 (2) The automated external defibrillator is checked for
11 readiness after each use and at least once every
12 thirty days if the automated external defibrillator
13 has not been used in the preceding thirty days;
14 provided that records of the checks shall be
15 maintained by the athletic department of the
16 University of Hawaii; and
- 17 (3) Every trainer is trained and certified at all times in
18 the use of automated external defibrillators."

19 SECTION 5. Section 663-1.5, Hawaii Revised Statutes, is
20 amended by amending subsections (e) to read as follows:

21 "(e) Any person who in good faith, without remuneration or
22 expectation of remuneration, attempts to resuscitate a person in



1 immediate danger of loss of life when administering any
2 automated external defibrillator, regardless of where the
3 automated external defibrillator that is used is located, shall
4 not be liable for any civil damages resulting from any act or
5 omission except as may result from the person's gross negligence
6 or wanton acts or omissions[-]; provided that a trainer or
7 teacher, pursuant to pursuant to sections 302A- , 302B- ,
8 302C- , or 304A- , respectively, who administers an
9 automated external defibrillator under this subsection be
10 considered to be doing so without remuneration or expectation of
11 remuneration.

12 Any person, including an employer, who provides for an
13 automated external defibrillator or an automated external
14 defibrillator training program shall not be vicariously liable
15 for any civil damages resulting from any act or omission of the
16 persons or employees who, in good faith and without remuneration
17 or the expectation of remuneration, attempt to resuscitate a
18 person in immediate danger of loss of life by administering an
19 automated external defibrillator, except as may result from a
20 person's or employer's gross negligence or wanton acts or
21 omissions."



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.
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S.B. NO. 2483

Report Title:

Education; Automated External Defibrillators

Description:

Requires every public school, public charter school, private school, and the University of Hawaii to have one or more fully automated external defibrillators (AED) on the site of every sporting event and requires the trainers and teachers at each school to be trained and certified on the use of AED's.

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