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# 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) By the end of the 2013-2014 school year:

6 (1) All public schools shall have an automated external  
7 defibrillator situated in a permanent location on  
8 campus;

9 (2) All public schools that have an athletic trainer shall  
10 ensure that at every sporting event, an additional  
11 automated external defibrillator is available and the  
12 athletic trainer is trained and certified at all times  
13 in the use of automated external defibrillators; and

14 (3) All public schools that do not have an athletic  
15 trainer shall ensure that at every sporting event, at  
16 least two faculty members of the school are trained  
17 and certified at all times in the use of automated  
18 external defibrillators.



1        (b) The department shall ensure that the automated  
2 external defibrillator is:

3        (1) Maintained and regularly tested according to the  
4 operation and maintenance guidelines set forth by the  
5 manufacturer; and

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

12        (c) For purposes of this section:

13        "Public schools" shall include elementary, middle, and high  
14 schools.

15        "Sporting event" shall include competitions, scrimmages,  
16 and practices."

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

20        **"§302B- Automated external defibrillators; requirements;**  
21 **training.** (a) By the end of the 2013-2014 school year:



1       (1) All charter schools shall have an automated external  
2       defibrillator situated in a permanent location at the  
3       charter school;

4       (2) All charter schools that have an athletic trainer  
5       shall ensure that at every sporting event, an  
6       additional automated external defibrillator is  
7       available and the athletic trainer is trained and  
8       certified at all times in the use of automated  
9       external defibrillators; and

10      (3) All charter schools that do not have an athletic  
11      trainer shall ensure that at every sporting event, at  
12      least two faculty members of the charter school are  
13      trained and certified at all times in the use of  
14      automated external defibrillators.

15      (b) Each charter school shall ensure that the automated  
16      external defibrillator is:

17      (1) Maintained and regularly tested according to the  
18      operation and maintenance guidelines set forth by the  
19      manufacturer; and

20      (2) Checked for readiness after each use and at least once  
21      every thirty days if the automated external  
22      defibrillator has not been used in the preceding



1           thirty days; provided that records of the checks shall  
2           be maintained by the charter school.

3           (b) For purposes of this section, "sporting event" shall  
4           include competitions, scrimmages, and practices."

5           SECTION 3. Chapter 304A, Hawaii Revised Statutes, is  
6           amended by adding a new section to be appropriately designated  
7           and to read as follows:

8           "§304A- Automated external defibrillators;

9           requirements; training. (a) By the end of the 2013-2014 school  
10          year:

11          (1) All divisions and campuses of the University of Hawaii  
12          system shall have an automated external defibrillator  
13          situated in a permanent location on campus;

14          (2) The athletic department of the University of Hawaii,  
15          with regard to each institution under the University  
16          of Hawaii system, shall ensure that:

17                (A) There is an automated external defibrillator  
18                available to the athletic trainer present at  
19                every sporting event; and

20                (B) Every athletic trainer is trained and certified  
21                at all times in the use of automated external  
22                defibrillators.



1        (b) The University of Hawaii and each institution under  
2 the University of Hawaii system, shall ensure that the automated  
3 external defibrillator is:

4        (1) Maintained and regularly tested according to the  
5 operation and maintenance guidelines set forth by the  
6 manufacturer; and

7        (2) Checked for readiness after each use and at least once  
8 every thirty days if the automated external  
9 defibrillator has not been used in the preceding  
10 thirty days; provided that records of the checks shall  
11 be maintained by the University of Hawaii.

12        (c) For purposes of this section, "sporting event" shall  
13 include competitions, scrimmages, and practices."

14        SECTION 4. Section 663-1.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (e) to read as follows:

16        "(e) Any person who in good faith, without remuneration or  
17 expectation of remuneration, attempts to resuscitate a person in  
18 immediate danger of loss of life when administering any  
19 automated external defibrillator, regardless of where the  
20 automated external defibrillator that is used is located, shall  
21 not be liable for any civil damages resulting from any act or  
22 omission except as may result from the person's gross negligence



1 or wanton acts or omissions[-]; provided that an athletic  
2 trainer or faculty member, pursuant to section 302A- ,  
3 302B- , or 304A- , who administers an automated external  
4 defibrillator under this subsection shall be considered to be  
5 doing so without remuneration or expectation of remuneration.

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

16 SECTION 5. The department of education shall report to the  
17 legislature no later than twenty days prior to the convening of  
18 the regular session of 2013:

- 19 (1) On the department of education's inventory of  
20 automated external defibrillators; and  
21 (2) Whether the department of education will require  
22 additional funding to acquire the appropriate amount



1           of automated external defibrillators in order to meet  
2           the requirements of section 1 of the Act.

3           SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Education; Automated External Defibrillators

**Description:**

Requires, by the end of the 2013-2014 school year, that: (1) Every public school, charter school, and the University of Hawaii shall have one automated external defibrillator (AED) situated in a permanent location on campus; (2) Public schools and charter schools that have athletic trainers, as well as the University of Hawaii, to have an additional AED available at every sporting event; (3) Athletic trainers shall be trained and certified on the use of AED's; (4) Public schools and charter schools that do not have athletic trainers to have at least two faculty members at every sporting event who are trained and certified on the use of AED's. Defines the term "sporting event" to include competitions, scrimmages, and practices. Requires the department of education to report to the legislature on its inventory of AED's and whether the department requires additional funding to acquire the appropriate number of AED's to meet the requirements of this Act. (SD1)

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

