

Honolulu, Hawaii

Feb 14, 2012

RE: H.B. No. 2312

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2312  
entitled:

"A BILL FOR AN ACT RELATING TO TORTS,"

begs leave to report as follows:

The purpose of this measure is to encourage private persons  
to timely perform cardiopulmonary resuscitation (CPR) on a person  
experiencing a cardiac arrest, without hesitation due to potential  
liability, by clarifying that Hawaii's good Samaritan law:

- (1) Covers persons who perceive a medical emergency, as  
opposed to an actual life-threatening situation, when  
performing CPR;
- (2) Relieves from vicarious liability employers and schools  
that have provided CPR training programs to persons who  
attempt CPR in a perceived medical emergency; and
- (3) Relieves physicians and physician assistants who  
administer CPR training programs from liability  
resulting from acts involving the administration of CPR.

This measure also provides definitions for "cardiopulmonary  
resuscitation", "cardiopulmonary resuscitation training programs",  
"perceived medical emergency" and "school".



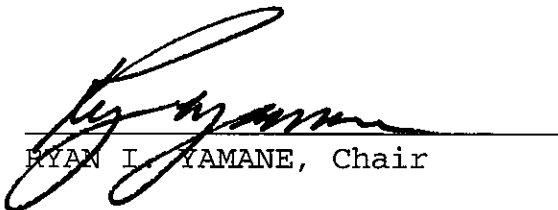
The Department of Education testified in support of this measure. The Department of the Attorney General; American Heart Association; and AED Institute of America, Inc., provided comments.

Your Committee has amended this measure by:

- (1) Clarifying terminology to distinguish the "person" who administers CPR from the "patient" who receives it;
- (2) Deleting reference to "employers and schools" in describing persons who provide for a CPR training program to avoid an unintended limited application to employers and schools;
- (3) Clarifying that CPR includes chest compressions, with or without ventilation;
- (4) Specifying that a CPR training program includes instructions providing immediate notification to emergency medical services by calling 911;
- (5) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2312, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2312, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
RYAN I. YAMANE, Chair



