

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2312  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2312, H.D. 1, 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 perform early cardiopulmonary resuscitation (CPR) on a patient experiencing a cardiac arrest, without hesitation due to potential liability, by clarifying that Hawaii's Good Samaritan law:

- (1) Covers persons who perform CPR in response to a perceived medical emergency, as opposed to an actual life-threatening situation;
- (2) Relieves a person who provides a CPR training program from vicarious liability for the act of a Good Samaritan who attempts CPR on a patient in a perceived emergency; and
- (3) Relieves physicians and physician assistants who administer CPR training programs from liability resulting from acts that occurred in the administration of CPR.

The Department of Education; AED Institute of America, Inc.; and one individual testified in support. The American Heart Association made comments.

HB2312 HD2 HSCR JUD HMS 2012-2320



Your Committee has amended this measure by:

- (1) Changing the term "patient" to "individual" because individuals experiencing cardiac arrest may not be under medical care; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2312, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2312, H.D. 2.

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



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GILBERT KEITH-AGARAN, Chair



