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Testimony on HB 2312, "Relating To Torts"

The American Heart Association finds that current Hawaii "Good Samaritan" law provides adequate liability protections for those who would provide CPR, use an AED, or maintain an AED program. The opening paragraph of that Act reads:

**"Hawaii Good Samaritan Act
§663-1.5 Exception to liability.**

(a) Any person who in good faith renders emergency care, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions, except for such damages as may result from the person's gross negligence or wanton acts or omissions."

The language of that Act is broadly written to encompass all "emergency care," which would include CPR, thus, HB 2312 is unnecessary.

Furthermore, there are various technical issues in HB 2312 that could actually result in the bill having the opposite effect of its intent and result in new liability issues. One in particular has the bill defining cardiopulmonary resuscitation (page 4, lines 3-6) as "the manual application of chest compressions and ventilations to maintain circulation and breathing to patients in cardiac arrest." The national guidelines for CPR are based on American Heart Association research, and the AHA updates those guidelines every five years. In the most recent update, released in 2010, the AHA eliminated from its recommendations the requirement for lay people to perform ventilation on a cardiac arrest victim. Research has shown that chest compressions alone are most effective when applied by lay rescuers and that when lay rescuers pause to provide ventilation it proved to reduce the effectiveness of the chest compressions. The proposed definition of CPR in HB 2312 could create liability concerns for lay people who follow the current guidelines and don't provide ventilation.

Hawaii's "Good Samaritan" law provides adequate liability protection to members of the public who provide emergency aid. What is needed is broader public education about the importance of knowing and performing CPR when appropriate. With the development of new guidelines eliminating the need to perform mouth-to-mouth resuscitation, there are few reasonable physical barriers that should prevent members of the public from saving another's life should a medical emergency arise.

Respectfully submitted,

Donald B. Weisman

Hawaii Government Relations/Mission:Lifeline Director

Serving Hawaii since 1948

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Testimony for HLT 2/3/2012 9:00:00 AM HB2312

Conference room: 329
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Testifier will be present: No
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Submitted on: 2/3/2012

Comments: