

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS.

**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 2019-2020 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 shall have an additional automated  
10 external defibrillator permanently situated in each  
11 campus facility where fitness activities take place,  
12 including but not limited to a gymnasium, pool, or  
13 weight room;

14           (3) All public schools that have an athletic trainer shall  
15 ensure that at every sporting event, an additional  
16 automated external defibrillator is available and the  
17 athletic trainer is trained through a hands-on skills



1 session in the use of automated external  
2 defibrillators at least once a year; and

3 (4) All public schools that do not have an athletic  
4 trainer shall ensure that at every sporting event, at  
5 least two faculty members of the school are trained in  
6 the use of automated external defibrillators at least  
7 once every two years.

8 (b) The department shall ensure that each automated  
9 external defibrillator is:

10 (1) Maintained and regularly tested according to the  
11 operation and maintenance guidelines set forth by the  
12 manufacturer; and

13 (2) Checked for readiness after each use and at least once  
14 every thirty days if the automated external  
15 defibrillator has not been used in the preceding  
16 thirty days; provided that records of the checks shall  
17 be maintained by the department and the individual  
18 school.

19 (c) For purposes of this section, "sporting event"  
20 includes competitions, scrimmages, and practices."



1 SECTION 2. 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) By the end of the 2019-2020 school year:

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

9 (2) All private schools shall have an additional automated  
10 external defibrillator permanently situated in each  
11 campus facility where fitness activities take place,  
12 including but not limited to a gymnasium, pool, or  
13 weight room;

14 (3) All private schools that have an athletic trainer  
15 shall ensure that at every sporting event, an  
16 additional automated external defibrillator is  
17 available and the athletic trainer is trained through  
18 a hands-on skills session in the use of automated  
19 external defibrillators at least once a year; and

20 (4) All private schools that do not have an athletic  
21 trainer shall ensure that at every sporting event, at



1           least two faculty members of the school are trained in  
2           the use of automated external defibrillators at least  
3           once every two years.

4           (b) Each private school shall ensure that each automated  
5 external defibrillator is:

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

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

15           (c) For purposes of this section, "sporting event"  
16 includes competitions, scrimmages, and practices."

17           SECTION 3. Chapter 302D, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20           "§302D- Automated external defibrillators; requirements;  
21 training. (a) By the end of the 2019-2020 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 shall have an additional automated  
5        external defibrillator permanently situated in each  
6        campus facility where fitness activities take place,  
7        including but not limited to a gymnasium, pool, or  
8        weight room;
- 9        (3) All charter schools that have an athletic trainer  
10       shall ensure that at every sporting event, an  
11       additional automated external defibrillator is  
12       available and the athletic trainer is trained through  
13       a hands-on skills session in the use of automated  
14       external defibrillators at least once a year; and
- 15       (4) All charter schools that do not have an athletic  
16       trainer shall ensure that at every sporting event, at  
17       least two faculty members of the school are trained  
18       and certified at all times in the use of automated  
19       external defibrillators at least once every two years.
- 20       (b) Each charter school shall ensure that each automated  
21       external defibrillator is:



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

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

9        (c) For purposes of this section, "sporting event"  
10       includes competitions, scrimmages, and practices."

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

14       **"§304A- Automated external defibrillators; requirements;**  
15 **training.** (a) By the end of the 2019-2020 school year:

16       (1) All divisions and campuses of the University of Hawaii  
17                    system shall have an automated external defibrillator  
18                    situated in a permanent location on campus in  
19                    accordance with the requirements of this section. At  
20                    least one automated external defibrillator that is



1 accessible to the public shall be placed on each floor  
2 level of each place of public assembly; and

3 (2) The athletic department of the University of Hawaii,  
4 with regard to each institution under the University  
5 of Hawaii system, shall ensure that:

6 (A) There is an automated external defibrillator  
7 available to the athletic trainer present at  
8 every sporting event; and

9 (B) Every athletic trainer is trained through a  
10 hands-on skills session in the use of automated  
11 external defibrillators at least once a year.

12 (b) The University of Hawaii and each institution under  
13 the University of Hawaii system shall ensure that each automated  
14 external defibrillator is:

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

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



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

3           (c) For purposes of this section:

4           "Place of public assembly" means a single building that has  
5           fifty thousand square feet or more of indoor floor space and  
6           where:

7           (1) The public congregates for purposes such as  
8           deliberation, shopping, entertainment, amusement, or  
9           awaiting transportation; or business activities are  
10           conducted; and

11           (2) At least fifty individuals congregate on a normal  
12           business day.

13           "Sporting event" includes competitions, scrimmages, and  
14           practices."

15           SECTION 5. Chapter 305J, Hawaii Revised Statutes, is  
16           amended by adding a new section to be appropriately designated  
17           and to read as follows:

18           "§305J- Automated external defibrillators; requirements;  
19           training. (a) By the end of the 2019-2020 school year:

20           (1) Private colleges or universities shall have an  
21           automated external defibrillator situated in a





1 permanent location on campus in accordance with the  
2 requirements of this section. At least one automated  
3 external defibrillator that is accessible to the  
4 public shall be placed on each floor level of each  
5 place of public assembly; and

6 (2) The athletic department of the private college or  
7 university, with regard to each institution under the  
8 private college or university's system, shall ensure  
9 that:

10 (A) There is an automated external defibrillator  
11 available to the athletic trainer present at  
12 every sporting event; and

13 (B) Every athletic trainer is trained through a  
14 hands-on skills session in the use of automated  
15 external defibrillators at least once a year.

16 (b) The private college or university and each institution  
17 under the private college or university's system shall ensure  
18 that the automated external defibrillator is:

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



1        (2) Checked for readiness after each use and at least once  
2        every thirty days if the automated external  
3        defibrillator has not been used in the preceding  
4        thirty days; provided that records of the checks shall  
5        be maintained by the private college or university.

6        (c) For purposes of this section:

7        "Place of public assembly" means a single building that has  
8        fifty thousand square feet or more of indoor floor space and

9        where:

10       (1) The public congregates for purposes such as  
11       deliberation, shopping, entertainment, amusement, or  
12       awaiting transportation; or business activities are  
13       conducted; and

14       (2) At least fifty individuals congregate on a normal  
15       business day.

16       "Sporting event" includes competitions, scrimmages, and  
17       practices."

18       SECTION 6. Section 663-1.5, Hawaii Revised Statutes, is  
19       amended by amending subsection (e) to read as follows:

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



1 ~~in 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.~~

7       ~~Any person, including an employer, who provides for an~~  
8 ~~automated external defibrillator or an automated external~~  
9 ~~defibrillator training program shall not be vicariously liable~~  
10 ~~for any civil damages resulting from any act or omission of the~~  
11 ~~persons or employees who, in good faith and without remuneration~~  
12 ~~or the expectation of remuneration, attempt to resuscitate a~~  
13 ~~person in immediate danger of loss of life by administering an~~  
14 ~~automated external defibrillator, except as may result from a~~  
15 ~~person's or employer's gross negligence or wanton acts or~~  
16 ~~omissions.] The following persons shall not be held liable for~~  
17 ~~any civil damages arising out of any acts or omissions relating~~  
18 ~~to the use, placement, or provision of an automated external~~  
19 ~~defibrillator except as may result from the person's gross~~  
20 ~~negligence or wanton acts or omissions:~~



- 1        (1) Any person who acquires an automated external  
2                    defibrillator;
- 3        (2) Any person who owns, operates, manages, or is  
4                    otherwise responsible for the location where an  
5                    automated external defibrillator is placed;
- 6        (3) Any person who retrieves or fails to retrieve an  
7                    automated external defibrillator;
- 8        (4) Any person who uses, attempts to use, or fails to use  
9                    an automated external defibrillator;
- 10       (5) Any person who was present at a location where an  
11                   automated external defibrillator was used or not used;
- 12       (6) Any physician or other authorized healthcare provider  
13                   or person who issues a prescription for the purchase  
14                   of an automated external defibrillator or provides  
15                   medical oversight services to a location where an  
16                   automated external defibrillator is placed;
- 17       (7) Any person who is involved with or responsible for the  
18                   design, management, or operation of an automated  
19                   external defibrillator program; and
- 20       (8) Any person or entity that provides instruction in the  
21                   use of an automated external defibrillator.



1        The immunity described in this subsection applies  
 2 regardless of where an automated external defibrillator is  
 3 retrieved or located."







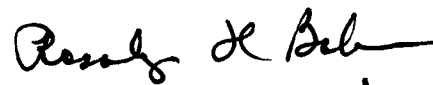

4        SECTION 7. This Act does not affect rights and duties that  
 5 matured, penalties that were incurred, and proceedings that were  
 6 begun before its effective date.

7        SECTION 8. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

9        SECTION 9. This Act shall take effect upon its approval.

10

INTRODUCED BY:



# S.B. NO. 255

**Report Title:**

Education; Automated External Defibrillators; Civil Liability

**Description:**

Requires by the end of the 2019-2020 school year, that all public schools, private schools, public charter schools, University of Hawaii and its divisions, campuses, and institutions, and private colleges and universities and their divisions, campuses, and institutions have automated external defibrillators situated in a permanent location on campus. Requires the public schools, private schools, public charter schools, University of Hawaii, and private colleges and universities that have an athletic trainer to have an automated external defibrillator available at each sporting event. Requires the automated external defibrillators to be maintained and tested regularly. Provides that any person who uses, places, or provides for an automated external defibrillator be immune from civil liability, except as may result from the person's gross negligence or wanton acts or omissions.

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

