

STAND. COM. REP. NO. 211

Honolulu, Hawaii

FEB 12 , 2021

RE: H.B. No. 540  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Pandemic & Disaster Preparedness, to which was referred H.B. No. 540 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to make a health care provider who acts in good faith during an emergency immune from civil or criminal liability if they adhere to crisis standards of care.

Your Committee received testimony in support of this measure from the Hawai'i State Center for Nursing, Hawaii Primary Care Association, The Queen's Health Systems, and three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that concerns were raised during the hearing regarding the broadness of the language in this measure and that it may have unintended effects on certain at-risk populations who may not have the ability to defend themselves from bad actors. Therefore, your Committee requests that should your Committee on Judiciary & Hawaiian Affairs hear this measure, that it take into consideration the concerns raised regarding the broadness of the immunity provided to healthcare providers by this measure.

2021-1434 HB540 HD1 HSCR HMSO-1



Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Pandemic & Disaster Preparedness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 540, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 540, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Pandemic &  
Disaster Preparedness,

  
LINDA ICHIYAMA, Chair



