

ACT 91

S.B. NO. 1675

A Bill for an Act Relating to Automated External Defibrillators.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 453-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Nothing herein shall:

- (1) Apply to so-called Christian Scientists so long as they merely practice the religious tenets of their church without pretending a knowledge of medicine or surgery;
- (2) Prohibit service in the case of emergency or the domestic administration of family remedies;
- (3) Apply to any commissioned medical officer in the United States armed forces or public health service engaged in the discharge of one's official duty, nor to any practitioner of medicine and surgery from another state when in actual consultation, including but not limited to [;] in-person, mail, electronic, telephonic, fiber-optic, or other telemedicine consultation with a licensed physician of this State, if the physician from another state at the time of such consultation is licensed to practice in the state in which the physician resides; provided that:
  - (A) The physician from another state shall not open an office, or appoint a place to meet patients, or receive calls within the limits of the State; and
  - (B) The licensed physician of this State retains control and remains responsible for the provision of care for the patient; and provided further that the laws and regulations relating to contagious diseases are not violated;
- (4) Prohibit services rendered by any person certified under part II of this chapter to provide emergency medical services, or any physician assistant, when the services are rendered under the direction and control of a physician licensed in this State except for final refraction resulting in a prescription for spectacles, contact lenses, or visual training as performed by an oculist or optometrist duly licensed by the State. The direction and control shall not be construed in every case to require the personal presence of the supervising and controlling physician. Any physician who employs or directs a person certified under part II of this chapter to provide emergency medical services, or physician assistant, shall retain full professional and personal responsibility for any act which constitutes the practice of medicine when performed by such person or physician assistant; or
- (5) Prohibit [automatic] automated external defibrillation by:

- (A) Any first responder personnel certified by the department of health to provide ~~[automatic]~~ automated external defibrillation when it is rendered under the medical oversight of a physician licensed in this State; or
- (B) Any person ~~[who successfully completes training under an automatic external defibrillator program administered by a physician. An “automatic external defibrillator program” means an appropriate training course that includes cardiopulmonary resuscitation and proficiency in the use of an automatic external defibrillator.]~~ acting in accordance with section 663-1.5(e).”

SECTION 2. Section 663-1.5, Hawaii Revised Statutes, is amended by amending subsections (e) and (f) to read as follows:

~~“(e) Any person who [successfully completes training under any automatic external defibrillator program administered by a physician shall not be liable for any civil damages resulting from any act or omission while attempting]~~ in good faith, without remuneration or expectation of remuneration, attempts to resuscitate a person in immediate danger of loss of life when administering any ~~[automatic]~~ automated external defibrillator, regardless of where the ~~[automatic]~~ automated external defibrillator that is used is located, shall not be liable for any civil damages resulting from any act or omission except as may result from the person’s gross negligence or wanton acts or omissions.

Any person, including an employer, who ~~[establishes]~~ provides for an ~~[automatic]~~ automated external defibrillator ~~[program]~~ shall not be vicariously liable for any civil damages resulting from any act or omission of the persons or employees ~~[trained under the program]~~ who, in good faith and without remuneration or the expectation of remuneration, attempt to resuscitate a person in immediate danger of loss of life by administering an ~~[automatic]~~ automated external defibrillator~~[-]~~, except as may result from a person’s or employer’s gross negligence or wanton acts or omissions.

(f) Any physician who administers an ~~[automatic]~~ automated external defibrillator program without remuneration or expectation of remuneration shall not be liable for any civil damages resulting from any act or omission involving the use of an ~~[automatic]~~ automated external defibrillator, except as may result from the physician’s gross negligence or wanton acts or omissions.”

SECTION 3. Section 663-1.5, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

~~“(h) For the purposes of this section:~~

~~“[Automatic] Automated external defibrillator program” [shall have the meaning provided in section 453-2(b)(5)(B).]~~ means an appropriate training course that includes cardiopulmonary resuscitation and proficiency in the use of an automated external defibrillator.

~~“Good faith” includes but is not limited to a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed.~~

~~“Rescue team” means a special group of physicians, basic life support personnel, advanced life support personnel, surgeons, nurses, volunteers, or employees of the owners or operators of the hospital or authorized emergency vehicle who have been trained in basic or advanced life support and have been designated by the owners or operators of the hospital or authorized emergency vehicle to attempt to provide such support and resuscitate persons who are in immediate danger of loss of life in cases of emergency.”~~

SECTION 4. Statutory material to be repealed is bracketed and stricken.  
New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 23, 2007.)