

ACT 143

S.B. NO. 830

A Bill for an Act Relating to Emergency Medical Response.

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

PART I

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300,

H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,267,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriations made in this Act are necessary to serve the public interest; and
- (2) The appropriations made in this Act meet the needs addressed by this Act.

SECTION 2. The legislature finds that in critical medical emergencies, each minute matters. Long-term injury, brain damage, and even death can occur within just a few minutes in some types of emergencies. Whether it is a student choking or a teacher experiencing cardiac arrest, help provided within four minutes, rather than eight minutes, can save a life.

The legislature further finds that while the department of education currently has basic emergency response guidance, there is a gap between the guidance provided to “administer first aid” and the training and preparedness of personnel in the case of an unforeseen critical medical emergency.

Accordingly, the purpose of this Act is to:

- (1) Establish within the department of education, a one-year critical emergency response pilot program to establish a critical emergency response team for each department school located in central Oahu selected by the department of education to participate in the pilot program;
- (2) Establish within the state public charter school commission, a one-year critical emergency response pilot program to establish a critical emergency response team for each public charter school selected by the state public charter school commission to participate in the pilot program;
- (3) Require the department of education and state public charter school commission to report to the legislature before the regular session of 2024; and
- (4) Appropriate funds.

PART II

SECTION 3. (a) There is established within the department of education, a one-year critical emergency response pilot program to establish a critical emergency response team for each department school located in central Oahu selected by the department of education to participate in the pilot program.

(b) The critical emergency response team for each department school participating in the pilot program shall consist of critical emergency response team members, each of whom shall:

- (1) Maintain active certifications in first aid, cardiopulmonary resuscitation, and automated external defibrillator from organizations approved by the department; provided that any certification more than two years old shall not be valid for purposes of this paragraph; and
- (2) Respond in good faith when activated.

(c) Any person who acts in accordance with the requirements of this part shall be immune from any civil or criminal liability arising from these acts, except where the person’s conduct would constitute gross negligence, willful and wanton misconduct, or intentional misconduct.

- (d) Each department school participating in the pilot program shall:
 - (1) Develop a known, practiced, and maintained communication method to activate the school's critical emergency response team members; and
 - (2) Run not less than two critical emergency drills during the 2023-2024 school year; provided that the drill response time goal shall be less than three minutes.
- (e) For purposes of this part:

“Critical emergency” means a situation in which a person is in immediate danger of loss of life, including from cardiac arrest, choking, or uncontrolled bleeding.

“First aid” means lifesaving help given in a critical emergency, including providing abdominal thrusts when someone is choking, performing cardiopulmonary resuscitation when someone is unconscious and does not have a pulse, or applying pressure or a tourniquet in an uncontrolled bleeding.

SECTION 4. The department of education shall submit a report of its findings and recommendations, including any proposed legislation, for the critical emergency response pilot program to the legislature no later than twenty days prior to the convening of the regular session of 2024. The report shall include the department of education's recommendations as to whether the pilot program should be extended or expanded to include all department schools within the State.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$350,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the department of education to implement the critical emergency response pilot program established pursuant to this part.

The sum appropriated shall be expended by the department of education for the purposes of this part.

PART III

SECTION 6. (a) There is established within the state public charter school commission, a one-year critical emergency response pilot program to establish critical emergency response teams for certain public charter schools within the State. The state public charter school commission shall select the public charter schools that shall participate in the pilot program.

(b) The critical emergency response team for each public charter school participating in the pilot program shall consist of critical emergency response team members, each of whom shall:

- (1) Maintain active certifications in first aid, cardiopulmonary resuscitation, and automated external defibrillator from organizations approved by the department; provided that any certification more than two years old shall not be valid for purposes of this paragraph; and
- (2) Respond in good faith when activated.

(c) Any person who acts in accordance with the requirements of this part shall be immune from any civil or criminal liability arising from these acts, except where the person's conduct would constitute gross negligence, willful and wanton misconduct, or intentional misconduct.

- (d) Each public charter school participating in the pilot program shall:
 - (1) Develop a known, practiced, and maintained communication method to activate the school's critical emergency response team members; and

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- (2) Run not less than two critical emergency drills during 2023-2024 school year; provided that the drill response time goal shall be less than three minutes.

- (e) For purposes of this part:

“Critical emergency” means a situation in which a person is in immediate danger of loss of life, including from cardiac arrest, choking, or uncontrolled bleeding.

“First aid” means lifesaving help given in a critical emergency, including providing abdominal thrusts when someone is choking, performing cardiopulmonary resuscitation when someone is unconscious and does not have a pulse, or applying pressure or a tourniquet in an uncontrolled bleeding.

SECTION 7. The state public charter school commission shall submit a report of its findings and recommendations, including any proposed legislation, for the critical emergency response pilot program to the legislature no later than twenty days prior to the convening of the regular session of 2024. The report shall include the state public charter school commission’s recommendations as to whether the pilot program should be extended or expanded to include all public charter schools within the State.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the state public charter school commission to implement the critical emergency response pilot program established pursuant to this part.

The sum appropriated shall be expended by the state public charter school commission for the purposes of this part.

PART IV

SECTION 9. This Act shall take effect on July 1, 2023.

(Approved June 29, 2023.)

Note

1. Act 164.