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# A BILL FOR AN ACT

RELATING TO TORTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that every day, over  
2 seven hundred lives are lost to sudden cardiac arrest in the  
3 United States. Two out of three deaths occur before a victim  
4 can reach a hospital. More than ninety-five per cent of cardiac  
5 arrest victims will die; many die due to the lack of readily  
6 available life saving medical equipment. Up to thirty per cent  
7 of cardiac arrest victims could be saved if they had access to  
8 immediate medical response, including defibrillation and  
9 cardiopulmonary resuscitation.

10           Lay rescuer programs that provide early recognition of  
11 cardiac arrest, early cardiopulmonary resuscitation, and early  
12 defibrillation within the first minutes of cardiac arrest can  
13 increase survival by seven times or more. Communities that have  
14 implemented programs ensuring widespread public access to  
15 defibrillators, combined with appropriate training, maintenance,  
16 and coordination with local emergency medical systems, have  
17 dramatically improved the survival rates for victims in cardiac  
18 arrest. In Hawaii, the promotion of early cardiopulmonary



1 resuscitation and defibrillation use could save an additional  
2 one hundred victims of sudden cardiac arrest each year.

3 Accordingly, the purpose of this Act is to encourage people  
4 to conduct early cardiopulmonary resuscitation for individuals  
5 in cardiac arrest by excepting from liability persons who, in  
6 good faith, perform or train others to perform cardiopulmonary  
7 resuscitation.

8 SECTION 2. Section 663-1.5, Hawaii Revised Statutes, is  
9 amended as follows:

10 1. By amending subsections (e) and (f) to read:

11 "(e) Any person who in good faith, without remuneration or  
12 expectation of remuneration, attempts to resuscitate [~~a person~~  
13 an individual in [~~immediate danger of loss of life~~] a perceived  
14 medical emergency when administering cardiopulmonary  
15 resuscitation or any automated external defibrillator,  
16 regardless of where the automated external defibrillator that is  
17 used is located, shall not be liable for any civil damages  
18 resulting from any act or omission, except as may result from  
19 the person's gross negligence or wanton acts or omissions.

20 Any person[~~, including an employer,~~] who provides for a  
21 cardiopulmonary resuscitation training program, an automated  
22 external defibrillator, or an automated external defibrillator



1 training program shall not be vicariously liable for any civil  
2 damages resulting from any act or omission of [~~the persons or~~  
3 ~~employees~~] a person who, in good faith and without remuneration  
4 or the expectation of remuneration, [~~attempt~~] attempts to  
5 resuscitate [~~a person~~] an individual in [~~immediate danger of~~  
6 ~~loss of life~~] a perceived medical emergency by administering  
7 cardiopulmonary resuscitation or an automated external  
8 defibrillator, except as may result from [a] the person's [~~or~~  
9 ~~employer's~~] gross negligence or wanton acts or omissions.

10 (f) Any physician or physician assistant who administers a  
11 cardiopulmonary resuscitation training program or an automated  
12 external defibrillator program without remuneration or  
13 expectation of remuneration shall not be liable for any civil  
14 damages resulting from any act or omission involving the  
15 administration of cardiopulmonary resuscitation or the use of an  
16 automated external defibrillator, except as may result from the  
17 physician's or physician assistant's gross negligence or wanton  
18 acts or omissions."

19 2. By amending subsection (h) to read:

20 "(h) For the purposes of this section:

21 "Automated external defibrillator program" means an  
22 appropriate training course that includes cardiopulmonary



1 resuscitation and proficiency in the use and proper maintenance  
2 of an automated external defibrillator.

3 "Cardiopulmonary resuscitation" means an emergency  
4 procedure consisting of the manual application of chest  
5 compressions, with or without ventilations, to maintain  
6 circulation for an individual in cardiac arrest.

7 "Cardiopulmonary resuscitation training program" means an  
8 appropriate training course that provides instruction on:

- 9 (1) Recognizing an individual in cardiac arrest;  
10 (2) Manual application of chest compressions, with or  
11 without ventilations, to maintain circulation for an  
12 individual in cardiac arrest that may be taught  
13 through visual media, brochures, or hands-on training  
14 sessions; and  
15 (3) Providing immediate notification to emergency medical  
16 services by calling 911.

17 "Good faith" includes but is not limited to a reasonable  
18 opinion that the immediacy of the situation is such that the  
19 rendering of care should not be postponed[-]; and actions that  
20 are reasonable under the circumstances.

21 "Perceived medical emergency" means circumstances in which  
22 the behavior of an individual leads a reasonable person to



1 believe that the individual is experiencing a life-threatening  
2 medical condition regarding the heart or other cardiopulmonary  
3 functioning of the individual that requires an immediate medical  
4 response.

5 "Rescue team" means a special group of physicians, basic  
6 life support personnel, advanced life support personnel,  
7 surgeons, nurses, volunteers, or employees of the owners or  
8 operators of the hospital or authorized emergency vehicle who  
9 have been trained in basic or advanced life support and have  
10 been designated by the owners or operators of the hospital or  
11 authorized emergency vehicle to attempt to provide such support  
12 and resuscitate [~~persons~~] individuals who are in immediate  
13 danger of loss of life in cases of emergency."

14 SECTION 3. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

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

19 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Liability; Good Faith; Cardiopulmonary Resuscitation

**Description:**

Relieves Good Samaritans who perform CPR in response to a perceived medical emergency from liability. Defines CPR as chest compressions, with or without ventilation. Requires among other things, CPR training programs to provide instruction on immediately notifying emergency medical services by calling 911. Effective July 1, 2050. (HB2312 HD2)

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

