

STAND. COM. REP. NO. **2481**

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2087
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land, to which was referred S.B. No. 2087 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY RESCUE DEVICES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend section 663-1.5, Hawaii Revised Statutes, the Good Samaritan Law, to provide liability exemptions for owners and operators of any premises, property, or facility where automated external defibrillators and rescue tubes are located; and
- (2) Provide liability exemptions for rescuers who attempt to rescue a person with a rescue tube.

Your Committees received testimony in support of this measure from the Hawaii Kai Lions Club; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Rescue Tube Foundation, Inc.; and eighty-two individuals. Your Committees received comments on this measure from the Hawaii Association for Justice.

Your Committees find that promoting the adoption and use of simple, life-saving devices is essential to protect public health



and welfare. Your Committees also find that automated external defibrillators and rescue tubes are two simple, cost-effective life saving devices. Strategically placed automated external defibrillators in work places and public buildings has led to the rescue of countless individuals experiencing a heart attack or cardiac arrest. Likewise, the placement of rescue tubes on Kauai, and other areas throughout the State, has led to countless rescues of drowning victims. Your Committees find that these two pieces of life-saving equipment are appropriate for ordinary citizens to use in assisting victims in need and are cost effective. Therefore, your Committees find that the widespread use of these devices should be encouraged.

Your Committees find that individuals and businesses are often reluctant to provide automatic external defibrillators or rescue tubes for fear of liability. Moreover, citizens are often afraid to take action using these devices based on the same fears of liability. Therefore, your Committees find that the State's Good Samaritan Law should be amended to provide liability protection for owners and operators of a premises, property, or facility where automated external defibrillators and rescue tubes are located and for citizens who might use these devices to assist in an emergency situation.

However, your Committees are concerned that the proposed liability protections for owners or operators of any premises, property, or facility where an automated external defibrillator or rescue tube is located are overly broad and would exempt such owners and operators from virtually all premises liability. Your Committees find that the proposed premises liability exceptions should be narrowed to apply only to the storage, maintenance, and use of an automated external defibrillator or rescue tube.

Accordingly, your Committees have amended this measure by:

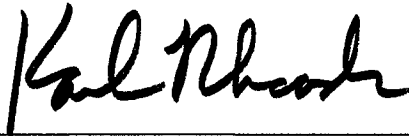
- (1) Deleting language exempting an owner or operator of any premises, property, or facility where an automated external defibrillator or rescue tube is located from liability except in cases of gross negligence or wanton acts or omissions and replacing it with an exception from liability for any act or omission relating to the storage, maintenance, or use of the automated external defibrillator or rescue tube; and




- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2087, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2087, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land,



KARL RHOADS, Chair

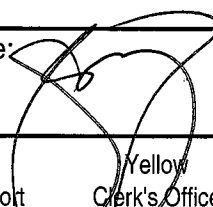


CLARENCE K. NISHIHARA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* SB 2087	Committee Referral: PSM/WTL, JDC	Date: 2/14/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.				✓
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 2087	Committee Referral: PSM/WTL, JDC	Date: FEB. 14, 2018
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit <small>2312 2311 2310 2313</small>		
Members	Aye	Aye (WR)
RHOADS, Karl (C)	✓	
GABBARD, Mike (VC)	✓	
INOUYE, Lorraine R.	✓	
RIVIERE, Gil	✓	
THIELEN, Laura H.	✓	
TOTAL	5	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution:	Original File with Committee Report	Yellow Clerk's Office
	Pink Drafting Agency	Goldenrod Committee File Copy

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