



GOV. MSG. NO. 849

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 23, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 23, 2007, the following bill was signed into law:

SB1675 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO AUTOMATED  
EXTERNAL DEFIBRILLATORS.  
(ACT 091)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

7 MAY 23 P1 36

RECEIVED  
SENATE  
OFFICE OF THE CLERK

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**A BILL FOR AN ACT**

RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS.

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

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

3           " (b) Nothing herein shall:

4           (1) Apply to so-called Christian Scientists so long as  
5 they merely practice the religious tenets of their  
6 church without pretending a knowledge of medicine or  
7 surgery;

8           (2) Prohibit service in the case of emergency or the  
9 domestic administration of family remedies;

10          (3) Apply to any commissioned medical officer in the  
11 United States armed forces or public health service  
12 engaged in the discharge of one's official duty, nor  
13 to any practitioner of medicine and surgery from  
14 another state when in actual consultation, including  
15 but not limited to [7] in-person, mail, electronic,  
16 telephonic, fiber-optic, or other telemedicine  
17 consultation with a licensed physician of this State,  
18 if the physician from another state at the time of



1 such consultation is licensed to practice in the state  
2 in which the physician resides; provided that:

3 (A) The physician from another state shall not open  
4 an office, or appoint a place to meet patients,  
5 or receive calls within the limits of the State;  
6 and

7 (B) The licensed physician of this State retains  
8 control and remains responsible for the provision  
9 of care for the patient; and

10 provided further that the laws and regulations  
11 relating to contagious diseases are not violated;

12 (4) Prohibit services rendered by any person certified  
13 under part II of this chapter to provide emergency  
14 medical services, or any physician assistant, when the  
15 services are rendered under the direction and control  
16 of a physician licensed in this State except for final  
17 refraction resulting in a prescription for spectacles,  
18 contact lenses, or visual training as performed by an  
19 oculist or optometrist duly licensed by the State.  
20 The direction and control shall not be construed in  
21 every case to require the personal presence of the  
22 supervising and controlling physician. Any physician



1 who employs or directs a person certified under part  
2 II of this chapter to provide emergency medical  
3 services, or physician assistant, shall retain full  
4 professional and personal responsibility for any act  
5 which constitutes the practice of medicine when  
6 performed by such person or physician assistant; or

7 (5) Prohibit [~~automatic~~] automated external defibrillation  
8 by:

9 (A) Any first responder personnel certified by the  
10 department of health to provide [~~automatic~~]  
11 automated external defibrillation when it is  
12 rendered under the medical oversight of a  
13 physician licensed in this State; or

14 (B) Any person [~~who successfully completes training~~  
15 ~~under an automatic external defibrillator program~~  
16 ~~administered by a physician. An "automatic~~  
17 ~~external defibrillator program" means an~~  
18 ~~appropriate training course that includes~~  
19 ~~cardiopulmonary resuscitation and proficiency in~~  
20 ~~the use of an automatic external defibrillator.]~~  
21 acting in accordance with section 663-1.5(e)."



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

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

15 Any person, including an employer, who [~~establishes]~~  
16 provides for an [~~automatic]~~ automated external defibrillator  
17 [~~program]~~ shall not be vicariously liable for any civil damages  
18 resulting from any act or omission of the persons or employees  
19 [~~trained under the program]~~ who, in good faith and without  
20 remuneration or the expectation of remuneration, attempt to  
21 resuscitate a person in immediate danger of loss of life by  
22 administering an [~~automatic]~~ automated external



1 defibrillator[-], except as may result from a person's or  
2 employer's gross negligence or wanton acts or omissions.

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

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

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

13 "[~~Automatic~~] Automated external defibrillator program"

14 [~~shall have the meaning provided in section 453-2(b)(5)(B).]~~

15 means an appropriate training course that includes  
16 cardiopulmonary resuscitation and proficiency in the use of an  
17 automated external defibrillator.

18 "Good faith" includes but is not limited to a reasonable  
19 opinion that the immediacy of the situation is such that the  
20 rendering of care should not be postponed.

21 "Rescue team" means a special group of physicians, basic  
22 life support personnel, advanced life support personnel,



1 surgeons, nurses, volunteers, or employees of the owners or  
2 operators of the hospital or authorized emergency vehicle who  
3 have been trained in basic or advanced life support and have  
4 been designated by the owners or operators of the hospital or  
5 authorized emergency vehicle to attempt to provide such support  
6 and resuscitate persons who are in immediate danger of loss of  
7 life in cases of emergency."

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

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



GOVERNOR OF THE STATE OF HAWAII

Approved this day: MAY 23 2007

