STAND. COM. REP. NO. **353**-12

Honolulu, Hawaii

Feb 14 , 2012

RE: H.B. No. 2312 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2312 entitled:

"A BILL FOR AN ACT RELATING TO TORTS,"

begs leave to report as follows:

The purpose of this measure is to encourage private persons to timely perform cardiopulmonary resuscitation (CPR) on a person experiencing a cardiac arrest, without hesitation due to potential liability, by clarifying that Hawaii's good Samaritan law:

- (1) Covers persons who perceive a medical emergency, as opposed to an actual life-threatening situation, when performing CPR;
- (2) Relieves from vicarious liability employers and schools that have provided CPR training programs to persons who attempt CPR in a perceived medical emergency; and
- (3) Relieves physicians and physician assistants who administer CPR training programs from liability resulting from acts involving the administration of CPR.

This measure also provides definitions for "cardiopulmonary resuscitation", "cardiopulmonary resuscitation training programs", "perceived medical emergency" and "school".

The Department of Education testified in support of this measure. The Department of the Attorney General; American Heart Association; and AED Institute of America, Inc., provided comments.

Your Committee has amended this measure by:

- (1) Clarifying terminology to distinguish the "person" who administers CPR from the "patient" who receives it;
- (2) Deleting reference to "employers and schools" in describing persons who provide for a CPR training program to avoid an unintended limited application to employers and schools;
- (3) Clarifying that CPR includes chest compressions, with or without ventilation;
- (4) Specifying that a CPR training program includes instructions providing immediate notification to emergency medical services by calling 911;
- (5) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2312, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2312, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Health,

YAMANE, Chair



## State of Hawaii House of Representatives The Twenty-sixth Legislature

## Record of Votes of the Committee on Health

Bill/Resolution No.: HB 2312	Committee Referral:  HL7, JUD  Date: 2-3-2012			12
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	V		<del></del> :	-
2. MORIKAWA, Dee (VC)		·		
z. MORIKAWA, Dee (VC)				
3. BELATTI, Della Au				
4. HANOHANO, Faye P.	V		_	
5. JORDAN, Jo				
6. LEE, Chris	V		_	
7. MIZUNO, John M.				
				_
8. WOOLEY, Jessica	V			
9. CHING, Corinne W.L.			·,	
office, comme with				
10. PINE, Kymberly Marcos				
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TOTAL (10)	9			
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				