

Honolulu, Hawaii

MAR 22 2012

RE: H.B. No. 2312
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B.
No. 2312, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TORTS,"

begs leave to report as follows:

The purpose and intent of this measure is to encourage people to conduct early cardiopulmonary resuscitation by excepting from civil liability persons who, in good faith, perform cardiopulmonary resuscitation on individuals in a perceived medical emergency and excepting from civil liability persons who administer a free cardiopulmonary resuscitation training program, except in cases of gross negligence or wanton acts or omissions.

Your Committee received testimony in support of this measure from the Department of Education, State Fire Council, Honolulu Fire Department, and the Ocean Tourism Coalition. Your Committee received comments on this measure from the American Heart Association.

Your Committee finds that section 663-1.5, Hawaii Revised Statutes, provides adequate liability protection for individuals who perform cardiopulmonary resuscitation or use an automated external defibrillator while attempting to resuscitate an individual in immediate danger of loss of life. Your Committee also finds that this measure may be simplified while still explicitly extending protection to those who administer cardiopulmonary resuscitation.



Your Committee has amended this measure by:


- (1) Deleting language that amended section 663-1.5(e), Hawaii Revised Statutes, to exempt from civil liability any person who administers cardiopulmonary resuscitation on an individual in a perceived medical emergency, under certain conditions;
- (2) Inserting language to amend section 663-1.5(a), Hawaii Revised Statutes, to specify that the exemption from liability for civil damages resulting from a person's acts or omissions in rendering emergency care also applies to the person's acts or omissions in administering cardiopulmonary resuscitation, under certain conditions;
- (3) Deleting language that amended section 663-1.5(e) and (f), Hawaii Revised Statutes, to exempt:
 - (A) Persons who provide for a cardiopulmonary resuscitation training program from vicarious liability; and
 - (B) Physicians and physician assistants who administer a cardiopulmonary resuscitation training program from liability,for any civil damages resulting from acts or omissions of a person who administers cardiopulmonary resuscitation, under certain conditions;
- (4) Deleting the definition of "cardiopulmonary resuscitation", as the procedure for cardiopulmonary resuscitation is constantly being revised and should not be codified in statute;
- (5) Deleting the language that defined "perceived medical emergency" and amended the definitions of "automated external defibrillator program", "good faith", and "rescue team";
- (6) Changing the effective date to upon approval; and



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

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, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2312, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



JOSH GREEN, M.D., Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 2312, HD2</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HTH JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3-16-12</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	/			
NISHIHARA, Clarence K. (VC)	/			
BAKER, Rosalyn H.	/			
CHUN OAKLAND, Suzanne	/			
SHIMABUKURO, Maile	/			
WAKAI, Glenn				/
SLOM, Sam				/
TOTAL	5	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 10px;">Clarence K. Nishihara</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**