
A BILL FOR AN ACT

RELATING TO EMERGENCY RESCUE DEVICES.

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

1 SECTION 1. The legislature finds that in Hawaii nearly
2 half of all non-resident fatal injuries are caused by drowning,
3 and nearly eighty per cent of these drownings occur in the
4 ocean. Although lifeguards work tirelessly to protect residents
5 and visitors in Hawaii's oceans, many beaches throughout the
6 State do not have lifeguards present. Warning signs deter many;
7 however, one person each week on average drowns in the ocean in
8 Hawaii. The use of rescue equipment makes a rescue safer for
9 anyone attempting to assist a drowning victim. The primary
10 piece of rescue equipment used by lifeguards is the rescue tube.

11 The legislature further finds that placement of rescue
12 tubes on Kauai, and expanding throughout the State, has led to
13 countless rescues of drowning victims. Rescue tubes are easy to
14 use for ordinary citizens in rescuing victims and cost effective
15 to provide on a widespread basis.

16 The purpose of this Act is to provide legal protections
17 under the Good Samaritan Law for owners of premises on which
18 rescue tubes are located and protections for rescuers who use



1 rescue tubes, to guard against liability actions and to
2 encourage placement and use of these lifesaving emergency rescue
3 devices.

4 SECTION 2. Section 663-1.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§663-1.5 Exception to liability. (a) Any person who in
7 good faith renders emergency care, without remuneration or
8 expectation of remuneration, at the scene of an accident or
9 emergency to a victim of the accident or emergency shall not be
10 liable for any civil damages resulting from the person's acts or
11 omissions, except for such damages as may result from the
12 person's gross negligence or wanton acts or omissions.

13 (b) No act or omission of any rescue team or physician
14 working in direct communication with a rescue team operating in
15 conjunction with a hospital or an authorized emergency vehicle
16 of the hospital or the State or county, while attempting to
17 resuscitate any person who is in immediate danger of loss of
18 life, shall impose any liability upon the rescue team, the
19 physicians, or the owners or operators of such hospital or
20 authorized emergency vehicle, if good faith is exercised.



1 This section shall not relieve the owners or operators of
2 the hospital or authorized emergency vehicle of any other duty
3 imposed upon them by law for the designation and training of
4 members of a rescue team or for any provisions regarding
5 maintenance of equipment to be used by the rescue team or any
6 damages resulting from gross negligence or wanton acts or
7 omissions.

8 (c) Any physician or physician assistant licensed to
9 practice under the laws of this State or any other state who in
10 good faith renders emergency medical care in a hospital to a
11 person, who is in immediate danger of loss of life, without
12 remuneration or expectation of remuneration, shall not be liable
13 for any civil damages, if the physician or physician assistant
14 exercises that standard of care expected of similar physicians
15 or physician assistants under similar circumstances. Any
16 physician who supervises a physician assistant providing
17 emergency medical care pursuant to this section shall not be
18 required to meet the requirements set forth in chapter 453
19 regarding supervising physicians.

20 (d) Any person or other entity who as a public service
21 publishes written general first aid information dealing with

1 emergency first aid treatment, without remuneration or
2 expectation of remuneration for providing this public service,
3 shall not be liable for any civil damages resulting from the
4 written publication of such first aid information except as may
5 result from its gross negligence or wanton acts or omissions.

6 (e) Any person who in good faith, without remuneration or
7 expectation of remuneration, attempts to resuscitate a person in
8 immediate danger of loss of life when administering any
9 automated external defibrillator, regardless of where the
10 automated external defibrillator that is used is located, shall
11 not be liable for any civil damages resulting from any act or
12 omission except as may result from the person's gross negligence
13 or wanton acts or omissions.

14 Any person, including an employer, who provides for an
15 automated external defibrillator or an automated external
16 defibrillator training program shall not be vicariously liable
17 for any civil damages resulting from any act or omission of the
18 persons or employees who, in good faith and without remuneration
19 or the expectation of remuneration, attempt to resuscitate a
20 person in immediate danger of loss of life by administering an
21 automated external defibrillator, except as may result from a



1 person's or employer's gross negligence or wanton acts or
2 omissions.

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

10 (g) Any person who in good faith, without remuneration or
11 expectation of remuneration, attempts to rescue a person in
12 immediate danger of loss of life by use of a rescue tube,
13 regardless of where the rescue tube that is used is located,
14 shall not be liable for any civil damages resulting from any act
15 or omission except as may result from the person's gross
16 negligence or wanton acts or omissions.

17 The owner or operator of any premises, property, or
18 facility that is adjacent to navigable waters, where a rescue
19 tube is located shall not be liable for any civil damages
20 resulting from any act or omission relating to the storage,
21 maintenance, or use of the rescue tube.



1 [~~g~~] (h) This section shall not relieve any person,
2 physician, physician assistant, or employer of:

3 (1) Any other duty imposed by law regarding the
4 designation and training of persons or employees;

5 (2) Any other duty imposed by provisions regarding the
6 maintenance of equipment to be used for resuscitation;

7 or

8 (3) Liability for any damages resulting from gross
9 negligence, or wanton acts or omissions.

10 [~~h~~] (i) For the purposes of this section:

11 "Automated external defibrillator program" means an
12 appropriate training course that includes cardiopulmonary
13 resuscitation and proficiency in the use of an automated
14 external defibrillator.

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

18 "Rescue team" means a special group of physicians, basic
19 life support personnel, advanced life support personnel,
20 surgeons, nurses, volunteers, or employees of the owners or
21 operators of the hospital or authorized emergency vehicle who



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

6 "Rescue tube" means a flotation device used for water
7 rescues that helps support the victim's and rescuer's weight."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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



Report Title:

Emergency Rescue Device; Rescue Tube; Good Samaritan Law;
Liability

Description:

Amends Hawaii's Good Samaritan Law to provide civil liability exemption for persons who in good faith, without remuneration or expectation of remuneration, attempt to rescue a person with a rescue tube and for owners and operators of any premises, property, or facility that is adjacent to navigable waters, where rescue tubes are located. (CD1)

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