

JAN 20 2017

# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

SECTION 1. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Automated external defibrillators; requirements; training. (a) By the end of the 2017-2018 school year:

(1) All public schools shall have an automated external defibrillator situated in a permanent location on campus;

(2) All public schools that have an athletic trainer shall ensure that at every sporting event, an additional automated external defibrillator is available and the athletic trainer is trained and certified at all times in the use of automated external defibrillators; and

(3) All public schools that do not have an athletic trainer shall ensure that at every sporting event, at least two faculty members of the school are trained



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1           and certified at all times in the use of automated  
2           external defibrillators.

3           (b) The department shall ensure that the automated  
4 external defibrillator is:

5           (1) Maintained and regularly tested according to the  
6           operation and maintenance guidelines set forth by the  
7           manufacturer; and

8           (2) Checked for readiness after each use and at least once  
9           every thirty days if the automated external  
10           defibrillator has not been used in the preceding  
11           thirty days; provided that records of the checks shall  
12           be maintained by the department and the individual  
13           school.

14           (c) For purposes of this section, "sporting event"  
15 includes competitions, scrimmages, and practices."

16           SECTION 2. Chapter 302D, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19           "§302D-       Automated external defibrillators; requirements;  
20 training. (a) By the end of the 2017-2018 school year:



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1       (1) All charter schools shall have an automated external  
2       defibrillator situated in a permanent location at the  
3       charter school;

4       (2) All charter schools that have an athletic trainer  
5       shall ensure that at every sporting event, an  
6       additional automated external defibrillator is  
7       available and the athletic trainer is trained and  
8       certified at all times in the use of automated  
9       external defibrillators; and

10      (3) All charter schools that do not have an athletic  
11      trainer shall ensure that at every sporting event, at  
12      least two faculty members of the charter school are  
13      trained and certified at all times in the use of  
14      automated external defibrillators.

15      (b) Each charter school shall ensure that the automated  
16      external defibrillator is:

17      (1) Maintained and regularly tested according to the  
18      operation and maintenance guidelines set forth by the  
19      manufacturer; and

20      (2) Checked for readiness after each use and at least once  
21      every thirty days if the automated external



1           defibrillator has not been used in the preceding  
2           thirty days; provided that records of the checks shall  
3           be maintained by the charter school.

4           (c) For purposes of this section, "sporting event"  
5           includes competitions, scrimmages, and practices."

6           SECTION 3. Chapter 304A, Hawaii Revised Statutes, is  
7           amended by adding a new section to be appropriately designated  
8           and to read as follows:

9           "§304A- Automated external defibrillators; requirements;  
10          training. (a) By the end of the 2017-2018 school year:

11          (1) All divisions and campuses of the University of Hawaii  
12          system shall have an automated external defibrillator  
13          situated in a permanent location on campus; and

14          (2) The athletic department of the University of Hawaii,  
15          with regard to each institution under the University  
16          of Hawaii system, shall ensure that:

17          (A) There is an automated external defibrillator  
18          available to the athletic trainer present at  
19          every sporting event; and



1           (B) Every athletic trainer is trained and certified  
2           at all times in the use of automated external  
3           defibrillators.

4           (b) The University of Hawaii and each institution under  
5           the University of Hawaii system shall ensure that the automated  
6           external defibrillator is:

7           (1) Maintained and regularly tested according to the  
8           operation and maintenance guidelines set forth by the  
9           manufacturer; and

10          (2) Checked for readiness after each use and at least once  
11          every thirty days if the automated external  
12          defibrillator has not been used in the preceding  
13          thirty days; provided that records of the checks shall  
14          be maintained by the University of Hawaii.

15          (c) For purposes of this section, "sporting event"  
16          includes competitions, scrimmages, and practices."

17          SECTION 4. Section 663-1.5, Hawaii Revised Statutes, is  
18          amended by amending subsection (e) to read as follows:

19          "(e) Any person who in good faith, without remuneration or  
20          expectation of remuneration, attempts to resuscitate a person in  
21          immediate danger of loss of life when administering any



1 automated external defibrillator, regardless of where the  
2 automated external defibrillator that is used is located, shall  
3 not be liable for any civil damages resulting from any act or  
4 omission except as may result from the person's gross negligence  
5 or wanton acts or omissions[-]; provided that an athletic  
6 trainer or faculty member who administers an automated external  
7 defibrillator pursuant to section 302A- , 302D- , or 304A- ,  
8 shall be considered to be doing so in good faith, without  
9 remuneration or expectation of remuneration.

10 Any person, including an employer, who provides for an  
11 automated external defibrillator or an automated external  
12 defibrillator training program shall not be vicariously liable  
13 for any civil damages resulting from any act or omission of the  
14 persons or employees who, in good faith and without remuneration  
15 or the expectation of remuneration, attempt to resuscitate a  
16 person in immediate danger of loss of life by administering an  
17 automated external defibrillator, except as may result from a  
18 person's or employer's gross negligence or wanton acts or  
19 omissions."

20 SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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1 SECTION 6. This Act shall take effect upon its approval.

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**Report Title:**

Education; Automated External Defibrillators

**Description:**

Requires by the end of the 2017-2018 school year, that all public schools, public charter schools, and the University of Hawaii and its divisions, campuses, and institutions have automated external defibrillators situated in a permanent location on campus. Requires the University of Hawaii and public and charter schools that have an athletic trainer to have an automated external defibrillator available at each sporting event. Requires the automated external defibrillators to be maintained and tested regularly. Clarifies that an athletic trainer or faculty member who administers an automated external defibrillator shall be considered to be doing so without remuneration or expectation of remuneration for purposes of immunity from civil liability.

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