STAND. COM. REP. NO. 211

Honolulu, Hawaii

FEB 12 ' 2021

RE: H.B. No. 540 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Pandemic & Disaster Preparedness, to which was referred H.B. No. 540 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to make a health care provider who acts in good faith during an emergency immune from civil or criminal liability if they adhere to crisis standards of care.

Your Committee received testimony in support of this measure from the Hawai'i State Center for Nursing, Hawaii Primary Care Association, The Queen's Health Systems, and three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice and one individual. Committee received comments on this measure from one individual.

Your Committee finds that concerns were raised during the hearing regarding the broadness of the language in this measure and that it may have unintended effects on certain at-risk populations who may not have the ability to defend themselves from bad actors. Therefore, your Committee requests that should your Committee on Judiciary & Hawaiian Affairs hear this measure, that it take into consideration the concerns raised regarding the broadness of the immunity provided to healthcare providers by this measure.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Pandemic & Disaster Preparedness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 540, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 540, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

> Respectfully submitted on behalf of the members of the Committee on Pandemic & Disaster Preparedness,

State of Hawaii House of Representatives The Thirty-first Legislature



Record of Votes of the Committee on Pandemic & Disaster Preparedness

Bill/Resolution No.: Committee	ttee Referral: JHA, FIN Date: 2-9-21			
θ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: θ Pass, unamended (as is) Pass, with amendments (HD) θ Hold θ Pass short form bill with HD to recommit for future public hearing (recommit)				
PDP Members	Ayes	Ayes (WR)	Nays	Excused
1. ICHIYAMA, Linda (C)	/		an aya aya aya aya da	and the second s
2. ELI, Stacelynn K.M. (VC)	<u> </u>		사고를 당하고만특별	
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3. CULLEN, Ty J.K.			e e e Tan	e Rate (galaci), del
4. McKELVEY, Angus L.K.				
4. MAXIBY B1, Angus BIX		· · · · ·		
5. MIZUNO, John M.	~		the same as to the other section.	
			mus 1880 (n. s. s. s. s. j.)	
6. WILDBERGER, Tina	✓			
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7. WOODSON, Justin H.		11 Test		
8. YAMASHITA, Kyle T.	V			
9. WARD, Gene				
9. WARD, Gene				
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TOTAL (9)	7	l	\	
The recommendation is: Adopted θ Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				