



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

---

**ON THE FOLLOWING MEASURE:**

S.B. NO. 830, S.D. 2, H.D. 1, RELATING TO EMERGENCY MEDICAL RESPONSE.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Thursday, March 30, 2023

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Anne T. Horiuchi, Deputy Attorney General

---

Chair Yamashita and Members of the Committee:

The Department of the Attorney General provides the following comments.

The bill requires each Department of Education (DOE) school and each public charter school to establish a critical medical emergency response team. It also appropriates moneys to implement critical emergency response teams.

Critical emergency response team members could theoretically be subject to civil lawsuits seeking damages or criminal charges in connection with their duties under these new sections. To address the potential liability arising from acts of critical emergency response team members, we recommend including the following or similar wording as an additional subsection to each of the new sections being added in chapters 302A and 302D, Hawaii Revised Statutes (HRS):

Any person who acts in accordance with the requirements of this section shall be immune from any civil or criminal liability arising from these acts, except where the person's conduct would constitute gross negligence, willful and wanton misconduct, or intentional misconduct.

This suggested wording is modeled after subsection 302A-1164(h), HRS, which provides legal immunity to DOE employees and agents who volunteer to administer insulin or glucagon in an emergency situation or administer or assist with blood glucose monitoring.

Thank you for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.  
GOVERNOR



KEITH T. HAYASHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 03/30/2023  
**Time:** 02:00 PM  
**Location:** 308 VIA VIDEOCONFERENCE  
**Committee:** House Finance

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** SB 0830, SD2, HD1 RELATING TO EMERGENCY MEDICAL RESPONSE.

**Purpose of Bill:** Requires each Department of Education school and public charter school to establish a critical emergency response team. Appropriates funds. Effective 6/30/3000. (HD1)

**Department's Position:**

The Hawaii State Department of Education (Department) supports the intent of SB 830, SD2, HD1, and provides comments. The Department requests that the amendments included in the Attorney General's testimony, to protect staff from potential liability, be adopted.

This bill requires the Department to expand on what is already in place. However, if this bill continues to move forward, the Department requests that funding is provided as CPR/first aid training and certification are required on a biennial (every two years) basis. Funding will also be vital in procuring additional first aid kits, Automated External Defibrillators, communication devices (e.g., alert buttons, radios, public address systems, etc.), and other resources.

The Department has estimated the cost for the necessary resources to ensure effective management and execution to be \$7,064,800. This would include materials, resources, training, and support staff to properly carry out the mandates of this measure.

Thank you for the opportunity to provide testimony on this measure.



**SB-830-HD-1**

Submitted on: 3/28/2023 3:48:26 PM

Testimony for FIN on 3/30/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rebecca Marple	Individual	Support	Written Testimony Only

Comments:

I support this bill. There need to be drills. Don't wait for a child to die before you make changes to policies.

**SB-830-HD-1**

Submitted on: 3/28/2023 6:24:51 PM

Testimony for FIN on 3/30/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Evans	Individual	Support	Written Testimony Only

Comments:

Hawaii needs to be the next state to have these critical steps in place for the sake of our children!!

**SB-830-HD-1**

Submitted on: 3/29/2023 5:34:57 AM

Testimony for FIN on 3/30/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carrie Archibald	Individual	Support	Written Testimony Only

Comments:

I am a teacher, I support this measure and would like to see a plan in place to deal with student and adult emergencies on campuses.

**SB-830-HD-1**

Submitted on: 3/29/2023 5:38:52 AM

Testimony for FIN on 3/30/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
James Archibald	Individual	Support	Written Testimony Only

Comments:

My wife works in a school and cannot explain how emergencies are handled for things that need seconds to respond. In addition to students, what if something were to happen to her or another adult on campus? Minutes matter, please pass this measure, there needs to be a better plan.

**SB-830-HD-1**

Submitted on: 3/29/2023 5:42:08 AM

Testimony for FIN on 3/30/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lucas Archibald	Individual	Support	Written Testimony Only

Comments:

I support this measure to ensure that a more clear and timely plan exists to respond in emergency situations on school campuses.



**UPDATED:** March 29, 2023

**TO:** Chair Yamashita, Vice Chair Kitagawa, and House Finance Committee Members

**RE:** SB830-SD2-HD1  
Critical Medical Emergency Response in the Hawai'i Department of Education Public Schools

Mahalo nui for your responsiveness to this Bill.

As many of you know at this point, our son, Noah, experienced a serious medical emergency on a school campus. Following this incident, we found the mechanisms and responses to these types of emergencies within the Department to be seriously lacking. Through exhaustive consult and research, we were then compelled to support these systems to respond more appropriately to critical medical emergencies through the introduction of a Bill. We wrote the language with our hopes for better response systems and are so grateful to Senator Dela Cruz and Representative Matsumoto, to whom we are constituents in our home district, for sponsoring companion bills to get this moving.

Yes, the Bill in its current form still needs some work. There needs to be clear requirements of what “responding in good faith” means via an activation mechanism, drills to practice efficacy, and support to improve if found ineffective, to ensure it really functions as a unique statute. In meeting last week with Representative Woodson, we went through the original Bill line by line and have a good idea of how to include these important elements without being too restrictive or prescription, as was an original concern, so as to ensure each school can have implementation success in a way that is appropriate for their campus.

In a meeting then on Friday with Curt Otaguro, Deputy Superintendent of Operations for the DOE, it was reiterated that the department is already working creatively with community resources (and students) towards safer schools as a result of the process thus far, but will clearly need appropriate resources and support to ensure all schools can do as such. We feel firmly that in conference it will get the language that it needs to ensure both the intention is fulfilled, to support infrastructure, practice, and response around ‘minutes matter’ medical emergencies, as well as provide appropriate resources for each of our schools to uniquely do so.

It has been a journey for our family over the last several months to be a part of this process, but despite a lot of confusion, (*again I apologize to any number of you for the incessant pestering, even out of simple misunderstanding related to the legislative process*) and a lot of late nights, we have come to believe that in working together we really can change communities and make them safer and healthier for all of us. With people who believe that stewardship of healthy leadership comes often through uncomfortable and difficult conversations, and the simple belief that “none of us is smarter than all of us” (*Kenneth Blanchard*), we’ve felt supported and inspired as parent activists to move this forward.

Again, we thank you so much for your commitment to the service of the people of Hawai'i, and for your careful attention to and support of this matter.



Mahalo nui,  
***Amanda & Kainoa Luning***  
Public School Parents, Local Public Servants

# MINUTES MATTER

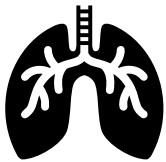
Please Support  
Critical Medical Emergency  
Response Plans  
In Hawai‘i’s Public Schools  
**SB830**



Unintentional  
accident/injury related  
death remains the  
leading cause in the  
United States for person  
ages 1-44. <sup>(3)</sup>



“CPR, especially if  
administered immediately  
after cardiac arrest, can  
double or triple a person’s  
chance of survival.” <sup>(1)</sup>



“Choking can  
kill an  
individual  
within minutes,  
and quick  
intervention is  
needed to save  
the victim’s  
life.” <sup>(4)</sup>



“Although injury deaths have traditionally been  
viewed as “accidents,” injury-prevention science that  
evolved during the latter half of the 20th century  
increasingly shows that such deaths are preventable  
with evidence-based approaches.” <sup>(2)</sup>

1) <https://cpr.heart.org/en/resources/cpr-facts-and-stats>

2) Cunningham RM, Walton MA, Carter PM. The major causes of death in children and adolescents in the United States. *N Engl J Med* 2018;379:2468-2475.

3) <https://wisqars.cdc.gov/data/lcd/home>

4) <https://www.abc10.com/article/news/family-childs-choking-death-at-school-could-have-been-prevented/103-398868292>



**SB-830-HD-1**

Submitted on: 3/29/2023 4:22:20 PM

Testimony for FIN on 3/30/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brittany Kalahiki	Individual	Support	Written Testimony Only

Comments:

On behalf of all who have been impacted by incidents leading to the drafting of this bill and behalf of all those who support our keiki on a daily basis, I am writing again to state my full support on the draft of this bill and all its revisions. Mahalo for your ongoing endeavor in strongly considering the most effective plan to establish preventative critical health care in hawaii schools.

**SB-830-HD-1**

Submitted on: 3/29/2023 9:56:53 PM

Testimony for FIN on 3/30/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ranya Agcaoili	Individual	Support	Written Testimony Only

Comments:

I do support this bill!