

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

ON THE FOLLOWING MEASURE:

H.B. NO. 942, H.D. 2, RELATING TO EMERGENCY MEDICAL RESPONSE.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, February 28, 2023 **TIME:** 1:30 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 public charter school to establish a critical medical emergency response team and appropriates moneys.

To clarify that the new section being added to chapter 302A, Hawaii Revised Statutes (HRS), in section 2 of the bill applies to department schools, which are defined in section 302A-101, HRS, as "any school that falls within the definition of 'public schools'" except for a charter school, we suggest replacing "public" with "department" on page 2, line 4. Additionally, to clarify that the appropriation referenced in section 4 of the bill is to be used for department schools, we suggest replacing "public" with "department" on page 4, line 10.

We also recommend including an additional subsection to the new sections in chapters 302A and 302D, HRS, that would address the potential liability of critical emergency response team members, such as:

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: 02/28/2023
Time: 01:30 PM
Location: 308 VIA VIDEOCONFERENCE
Committee: House Finance

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 0942, HD2 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. (HD2)

Department's Position:

The Hawaii State Department of Education (Department) provides comments on HB 0942, HD2, noting that this bill may be unnecessary.

The bill is requiring 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 vitally important in procuring additional first aid kits, Automated External Defibrillators, communications devices (e.g., alert buttons, radios, public address systems, etc.), and other resources.

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

HB-942-HD-2

Submitted on: 2/26/2023 11:24:16 AM

Testimony for FIN on 2/28/2023 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD2. Thank you.

UPDATED: February 27, 2023

TO: Chair Yamashita and House Finance Committee Members

RE: HB942 HD2
Critical Medical Emergency Response in the Hawai'i Department of Education Public Schools

Mahalo nui for your responsivity to this matter.

If you're able, please see our original testimony on this legislation, we stand by it.

We would like to add, if you have not already been made aware, that the Senate Bill 830 (the companion bill) passed through Education and Ways and Means Committees with most of the original language intact (*and some wonderful support from the Attorney General's Office adding clear language around release from liability*). This included specific requirements that each school, within their unique Administration/Teams, run timed drills/practices around ensuring that a team member could get to any given location on a school campus in 3 minutes or less. This is SO important and unique to this bill because it applies specifically to "minutes matter" type of critical emergencies. It is what makes this legislation necessary.

We implore you to consider looking at the original language in consideration of appropriate allocation of resources and the ability for all schools to implement.

Yes, of course, this is personal to our family and the incident that occurred with our son, Noah, but it is so much more.

We had no idea the course that this would take us on when we decided to push for this (*and apologize that we still don't quite fully understand all of the procedures and are more than happy to take consult*), but it has grown to become something that we have so see through. For our keiki, for your keiki, for all our mo'opūna. For the people that dedicate their lives to educating our children.

There is so much in this world that we cannot control, but there are some things that we can. Providing support, guidance, and resources to school campuses to be prepared to literally SAVE A LIFE if the time ever comes, is something we do have control over, and we can do it right now.

Again, we thank you so much for your commitment to the service of the people of Hawai'i.

Mahalo nui,

Amanda & Kainoa Luning

Public School Parents, Local Public Servants

MINUTES MATTER

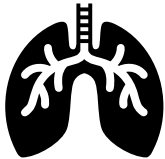
Please Support
Critical Medical Emergency
Response Plans
In Hawai‘i’s Public Schools
HB942 & SB830



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



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



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



“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.” (2)

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>



HB-942-HD-2

Submitted on: 2/27/2023 4:06:36 PM

Testimony for FIN on 2/28/2023 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Garner Shimizu	Individual	Support	Written Testimony Only

Comments:

I support this bill.

thank you!