

JOSH GREEN M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION

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GARY S. SUGANUMA
DIRECTOR

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DEPUTY DIRECTOR

**TESTIMONY OF
GARY S. SUGANUMA, DIRECTOR OF TAXATION**

TESTIMONY ON THE FOLLOWING MEASURE:

H.B. No. 1535, Relating to Automated External Defibrillators

BEFORE THE:

House Committee on Health

DATE: Friday, February 13, 2026

TIME: 9:00 a.m.

LOCATION: State Capitol, Conference Room 329

Chair Takayama, Vice-Chair Keohokapu-Lee Loy, and Members of the Committee:

The Department of Taxation (DOTAX) offers the following comments regarding H.B. 1535 for your consideration.

H.B. 1535 amends chapter 235, Hawaii Revised Statutes (HRS), by adding a new section that establishes an “automated external defibrillator subsidization income tax credit” for “qualified taxpayers” who purchase and install such a device in a “place of public accommodation.”

A “qualified taxpayer” is defined as “a taxpayer subject to the tax imposed by this chapter who operates a place of public accommodation with (unspecified) or more employees,” while “a place of public accommodation” is defined to mean the same as used in section 489-2, HRS.

The credit amount is \$500 per device “purchased and installed” and the total credit claimed per qualified taxpayer is limited to a maximum amount of (\$ unspecified) per taxable year.

Further, the credit must be claimed against the taxpayer’s income tax liability on or before the end of the twelfth month following the close of the taxable year. If the credit

exceeds the taxpayer's income tax liability in a given taxable year, a taxpayer may carry forward any excess of the credit until it is exhausted.

DOTAX is authorized to prepare necessary forms, require the taxpayer to furnish information to ascertain the validity of a claim for the credit, and to adopt rules necessary to effectuate the purpose of the bill.

The tax is effective upon approval and applies to taxable years beginning after December 31, 2026.

First, DOTAX recommends that the bill be amended to include a five-year time limit within which a taxpayer may claim any credit carry-forward, as credits claimed further from the year in which costs are incurred are more difficult to verify.

Second, DOTAX recommends that the term "automated external defibrillator" be defined to avoid any ambiguity regarding what devices qualify for the credit.

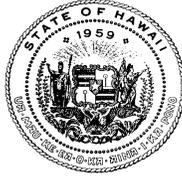
Third, DOTAX recommends adding language to guard against a taxpayer claiming more than one credit for the same claimed costs, as follows:

"No taxpayer that claims a credit under this section shall claim a deduction or any other credit for the same qualified costs under this chapter."

Fourth, DOTAX recommends amending subsection (b) to limit the credit to devices installed in public accommodations located within the State.

Finally, DOTAX can administer this new credit with the current effective date in the bill.

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



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony COMMENTING on (HB1535)
RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS

REPRESENTATIVE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON HEALTH

Friday, February 13, 2026 at 9:00 AM | Room Number: 329

1 **Fiscal Implications:** Undetermined.

2 **Department Position:** The Department of Health (“Department”) supports the intent and
3 respectfully offers the following comments.

4 **Department Testimony:** The Emergency Medical Services & Injury Prevention System Branch
5 (EMSIPSB) provides this testimony on behalf of the Department with comments.

6 The Department appreciates the Legislature’s intent to improve public access to automated
7 external defibrillators (AEDs). Early defibrillation is a critical component of the chain of survival
8 and can significantly improve outcomes in out-of-hospital cardiac arrest. Increasing AED
9 availability in places of public accommodation may strengthen community readiness and
10 reduce time to first shock in emergency situations.

11 The Department respectfully offers considerations regarding liability and implementation.
12 Hawaii Revised Statutes section (HRS) §663-1.5 provides civil immunity for individuals who, in
13 good faith and without remuneration, attempt to resuscitate a person using an automated
14 external defibrillator. The statute also provides that an employer or entity that provides an AED
15 or an AED training program shall not be vicariously liable for civil damages resulting from the

1 good faith acts of those who use the device, except in cases of gross negligence or wanton acts
2 or omissions. However, HRS §663-1.5(h) clarifies that the statute does not relieve any person or
3 employer of other duties imposed by law, including duties regarding the maintenance of
4 equipment used for resuscitation.

5 Given that this measure encourages AED placement through a tax incentive, clarification may
6 be warranted regarding how existing immunity provisions interact with ongoing maintenance
7 responsibilities and whether any indemnification is contemplated or required among parties.
8 The current statute provides immunity under certain conditions but does not create a state
9 indemnification obligation, nor does it expressly address responsibility in circumstances
10 involving equipment malfunction, failure to maintain the device, or failure to ensure
11 operational readiness.

12 In addition, while the measure incentivizes purchase and installation, it does not specify
13 expectations for maintenance, inspection, or documentation of operational readiness. AEDs
14 require periodic inspection and replacement of consumable components to ensure
15 functionality. Clarification regarding maintenance expectations or oversight responsibilities may
16 help ensure that devices supported by the tax credit remain operational when needed.

17 **Offered Amendments:** None

18 Thank you for the opportunity to testify on this measure.



February 10, 2026

Representative Gregg Takayama, Chair
Representative Sue Keohokapu Lee Loy, Vice Chair
House Committee on Health
Hawaii State Legislature

Support for HB1535

Dear Chair Takayama, Vice Chair Keohokapu Lee Loy and Members of the House Committee on Health,

On behalf of the Kohala Coast Resort Association (KCRA) thank you for providing us with the opportunity to provide our **SUPPORT of HB1535** creating an income tax credit program for the purchase and installation of automated external defibrillators (AED) by certain places of public accommodation.

Since our former Hawaii County Mayor Mitch Roth experienced a health event in January 2021, we have worked diligently to expand the number and location of AED devices at our properties along the Kohala Coast. Our Hawaii Island Safety and Security Association (HISSPA) has also worked closely with our Hawaii County Fire Department to make sure those devices are listed on the PulsePoint app, so that those rushing to assist someone needing an AED know where to find one. We've also sponsored annual training for our members on how to successfully use an AED.

We would love to see these important life-saving devices have an even more visible presence across our state.

We urge the Hawaii State Legislature to consider adding language that not only provides a tax credit for the up-front costs, but also for the training, maintenance and upkeep of these important life-saving devices.

Sincerely,

A handwritten signature in black ink that reads "Stephanie P. Donoho".

Stephanie Donoho, Administrative Director, Kohala Coast Resort Association

Craig Anderson, VP Operations, Mauna Kea Resort –President
Charlie Parker, General Manager, Four Seasons Hualalai – Vice President
Mark Goldrup, General Manager, Waikoloa Beach Marriott – Secretary
Pete Alles, Regional VP and GM, Mauna Lani, Auberge Resorts Collection – Treasurer
Pat Fitzgerald, CEO, Hualalai Investors – Board of Directors
Daniel Scott, Managing Director Rosewood Kona Village – Board of Directors
Samantha Jones, DOSM, Fairmont Orchid – Board of Directors
Scott Head, VP Resort Operations, Waikoloa Land Company – Board of Directors
Jim Russell, Director of Rooms, Hilton Waikoloa Village – Board of Directors
Rob Gunthner, Area VP Resort Operations, Hilton Grand Vacations – Board of Directors

TAX FOUNDATION OF HAWAII

735 Bishop Street, Suite 417

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: INCOME, Tax Credit for Automated External Defibrillator Devices in Places of Public Accommodation

BILL NUMBER: HB 1535

INTRODUCED BY: TAKAYAMA, AMATO, CHUN, GARCIA, GRANDINETTI, ILAGAN, IWAMOTO, KEOHOKAPU-LEE LOY, KILA, KITAGAWA, KUSCH, LEE, M., MARTEN, MATSUMOTO, MIYAKE, OLDS, PERRUSO, POEPOE, SOUZA, TARNAS

EXECUTIVE SUMMARY: Establishes an income tax credit for the purchase and installation of automated external defibrillator devices by certain places of public accommodation.

SYNOPSIS: Adds a new section to chapter 235, HRS, to establish an automated external defibrillator subsidization tax credit. The amount of the credit is \$500 per device purchased and installed in a place of public accommodation with ___ or more employees operated by the taxpayer, up to a maximum of \$_____ per qualified taxpayer.

The credit is nonrefundable but may be carried forward until exhausted.

All claims for the tax credit under this section, including amended claims, shall be filed on or before the end of the twelfth month following the close of the taxable year for which the tax credit may be claimed. Failure shall constitute a waiver of the right to claim the tax credit.

Defines "place of public accommodation" by reference to section 489-2, HRS.

Defines "qualified taxpayer" as a taxpayer subject to net income who operates a place of public accommodation with _____ or more employees."

EFFECTIVE DATE: Taxable years beginning after December 31, 2026.

STAFF COMMENTS: A nonrefundable credit to help a taxpayer buy something is handled much more efficiently outside the tax system. Appropriate some money to an applicable department, such as DLIR. That department then can handle claims for the subsidy, enforce limits, and then stop when the appropriation runs out. That way, the State knows what it's buying and how much it is paying, neither of which can be known with any credit program, refundable or not.

Digested: 2/11/2026



Date: February 13, 2026
To: House Health Committee
Place: Conference Room 329
RE: HB 1535, Relating to Automatic External Defibrillators

Aloha Chair Takayama, Vice Chair Keohokapu-Lee Loy, and members of the committee,

Thank you for the opportunity to submit testimony in support of HB 1535, Relating to Automatic External Defibrillators. This bill establishes an income tax credit for the purchase and installation of automated external defibrillator devices by certain places of public accommodation.

Sudden cardiac arrest can occur without warning, and immediate access to an AED significantly increases the chance of survival. Commercial buildings, including office towers, shopping centers, and mixed-use properties—serve thousands of workers, residents, and visitors each day. Ensuring that AEDs are readily available in these high-traffic environments is a practical and lifesaving measure. However, the cost of purchasing, installing, and maintaining AED equipment can be a barrier for some property owners, particularly small and locally owned businesses. The proposed tax credit would provide meaningful financial support and encourage broader adoption of these critical devices.

By incentivizing proactive safety measures, HB 1535 strengthens public health preparedness across Hawai'i's commercial real estate sector. This measure aligns with BOMA Hawaii's commitment to promoting safe, well-managed buildings and responsible stewardship of the built environment. W BOMA Hawaii, a regional affiliate of BOMA International, focuses on enhancing the management practices and operations of commercial real estate in Hawaii by providing education, advocacy, and networking opportunities for property managers and building owners. Since its establishment, it has played a key role in shaping industry standards, promoting sustainable practices, and fostering professional growth within the local real estate community.

BOMA Hawaii and its members would like to serve as a resource to the legislature, offering collective expertise and insights on issues affecting the commercial real estate industry and the wider community.

Mahalo for the opportunity to testify on this important measure.

HB-1535

Submitted on: 2/12/2026 8:36:02 AM

Testimony for HLT on 2/13/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaili Swan	Individual	Support	Remotely Via Zoom

Comments:

I am in strong support of this bill because aed can help to restart your heart if they have an cardiac arrest emergency and more aed access is better please pass this bill thank you