

COMMITTEE ON EDUCATION

Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair
Senator Angus L.K. McKelvey, Vice Chair

Wednesday, February 11, 2026

1:00 PM – Room 225

TESTIMONY IN STRONG SUPPORT OF SB 2612 – RELATING TO MEDICATION ADMINISTRATION IN SCHOOLS

My name is Pedro Haro, and I am the Executive Director of the American Lung Association in Hawai'i. The American Lung Association strongly **supports SB 2612**, which clarifies that Department of Education employees and agents shall be immune from civil or criminal liability when assisting students with the administration of medication in accordance with proper protocols.

For the American Lung Association, this is a matter of student safety and health equity. In Hawai'i, asthma is a leading cause of school absenteeism. Thousands of our keiki rely on the availability and proper administration of quick-relief medications, such as albuterol inhalers, to manage their symptoms and prevent life-threatening respiratory emergencies during the school day [1].

We support SB 2612 for the following reasons:

- 1. Ensuring Timely Access to Life-Saving Medication** In a respiratory emergency, every second counts. School staff are often the first responders when a student experiences an asthma attack or a severe allergic reaction. By providing clear liability protections, SB 2612 empowers school health assistants and trained staff to act decisively and in good faith to administer prescribed medications without the fear of personal legal repercussions.
- 2. Supporting Students with Chronic Respiratory Conditions** Students with chronic lung diseases require a supportive environment to succeed academically. National guidelines recommend that schools have clear protocols for medication administration to ensure that students can participate fully in all school activities, including physical education and recess [2]. This bill strengthens the legal framework necessary to maintain those protocols safely.
- 3. Alignment with Best Practices for School Health** Immunity protections for school personnel who follow medical authorizations are a recognized best practice across the country. These protections ensure that the focus remains on the health and well-being of the student. Clarifying this immunity in Hawai'i law will help ensure that our schools remain a safe place for all children, especially those with disabilities or chronic health needs.

The American Lung Association in Hawai'i believes that no child should be at risk because school personnel are hesitant to provide prescribed, life-saving medication. SB 2612 provides the necessary safeguards to protect both our students and the dedicated staff who care for them.

We respectfully urge your committees to **pass SB 2612**.

Mahalo for your time and for your commitment to the health of Hawai'i's students.

Sincerely,

Pedro Haro
Executive Director
American Lung Association in Hawai'i
Pedro.haro@lung.org

Citations:

1. *Hawai'i State Department of Health. (2023). "Asthma in Hawai'i: Facts and Figures."*
2. *American Lung Association. (2024). "Asthma Policy for Schools: Ensuring Access to Relief Medication."*



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

Date: 02/11/2026

Time: 01:00 PM

Location: CR 225 & Videoconference

Committee: EDU/HHS

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB2612, RELATING TO MEDICATION ADMINISTRATION IN SCHOOLS.

Purpose of Bill: Clarifies that the Department of Education and its employees and agents shall be immune from any civil or criminal liability arising from assisting students with the administration of medication under certain circumstances.

Department's Position:

The Hawai'i State Department of Education (Department) supports SB2612. This bill proposes crucial liability protections for school personnel who administer medications to students, particularly those with disabilities, in good faith and accordance with established safety protocols.

As currently authorized by Chapter 302A-853, Hawai'i Revised Statutes (HRS), the Department's protocols ensure medications are administered only with parent/guardian consent, authorized prescription, pharmacy dispensing, and oversight by registered nurses (RN). The Department requires consistent training by a licensed RN for all unlicensed school personnel engaged in medication administration.

School staff play a critical role in ensuring students with disabilities receive necessary medical support to attend school and participate in educational activities as required under federal and state law. However, without clear liability protections, personnel acting in good faith may face personal liability despite following proper protocols, particularly since unlicensed personnel cannot obtain professional liability insurance. SB2612 addresses this gap by amending HRS 302A-853 to grant immunity from civil or criminal liability to the Department and its employees who act in accordance with proper protocols, consent, and medical authorization, except in cases of gross negligence, willful and wanton misconduct, or intentional misconduct.

The Department anticipates these protections will enable dedicated staff to provide essential support without undue personal risk, fostering a more secure environment that ensures students with medical needs receive timely and appropriate care, supporting consistent school attendance and academic engagement.

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

TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) WITH COMMENTS ON SB 2612

Date: Tuesday February 11, 2026

Time: 1:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) with **COMMENTS** on SB 2612, Relating to Medication Administration in Schools. While HAJ appreciates the intent of the measure, we have **serious concerns with SB 2612** in its current form as it grants immunity from any civil damages arising from assisting students with the administration of medication under certain circumstances.

Specifically, section 302A-853(b) states "The department and its employees and agents who act 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.**"

HAJ understands the need for requiring schools to have an employee trained to administer medications to ensure student safety. However, designated school employees, agents or trained physicians should not be granted complete immunity from civil liability for administration of medication. The standard of care for our vulnerable students should be upheld. When a school employee is rendering aid, the applicable standard would be similar to Hawai'i's good Samaritan statutes which provides for immunity "unless the person's acts constitute gross negligence or wanton acts or omissions." HRS § 663-1.6.

Further, "any person who in good faith renders emergency care, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions,

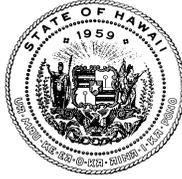
except for such damages as may result from the person's gross negligence or wanton acts or omissions.” HRS. § 663-1.5.

Therefore, at the very least school employees who render aid under this bill should be immune from liability unless their acts constitute gross negligence or wanton acts. Furthermore, schools owe their students a duty of reasonable care in ensuring each student’s safety. *See Doe Parents No. 1 v. State, Dep't of Educ.* Courts have held that the DOE shares a “special relationship”—*i.e.*, a quasi-parental or *in loco parentis* custodial relationship—with its students, which obligates the DOE to exert reasonable care in ensuring each student's safety and welfare, as would a reasonably prudent parent.

In other words, the DOE owes its students the duty to take whatever precautions are reasonable to prevent harms that it anticipates, or reasonably should anticipate. Schools owe their students a duty of reasonable care in ensuring each student’s safety, this should include when rendering aid. Exempting public schools from liability in connection with administering a bronchodilator is not in line with Hawai’i Supreme Court precedent nor Hawai’i's current Good Samaritan law.

HAI respectfully recommends that SB 2612 be held to rely on existing liability protections for good samaritans and emergency responders while continuing to protect our students.

Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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**Testimony in SUPPORT of SB2612
RELATING TO MEDICATION ADMINISTRATION IN SCHOOLS**

SENATOR DONNA MERCADO KIM, CHAIR
SENATE COMMITTEE ON EDUCATION

SENATOR JOY SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: February 11, 2026 @ 1:00 pm

Room Number: 225

- 1 **Fiscal Implications:** None
- 2 **Department Position:** The Department of Health (“Department”) SUPPORTS this measure and
- 3 offering comments.
- 4 **Department Testimony:** The Communicable Disease and Public Health Nursing Division
- 5 (CDPHND) provides the following testimony on behalf of the Department. The Department
- 6 supports this bill as it will provide increased student access to prescription and emergency
- 7 medications by providing crucial liability protections for public school personnel who administer
- 8 medications to students. These protections will enable the dedicated public-school personnel
- 9 to provide support for these students without undue personal risk, supporting school
- 10 attendance, student health and overall academic growth. The Department continues to
- 11 support robust training by a health care professional employed or contracted by the
- 12 Department of Education for school personnel who administer medications to students. This
- 13 ensures that proper protocols, consent, and the appropriate medical authorizations are
- 14 obtained and followed.

- 1 **Offered Amendments: NONE**
- 2 Thank you for the opportunity to testify on this measure.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The Senate
Committee on Education
Committee on Health and Human Services

Testimony by
Hawaii Government Employees Association

February 11, 2026

S.B. 2612 — RELATING TO MEDICATION ADMINISTRATION IN SCHOOLS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports H.B. 2612, which clarifies that the Department of Education and its employees and agents shall be immune from any civil or criminal liability arising from assisting students with the administration of medication under certain circumstances.

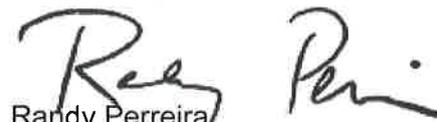
As the exclusive representative of school administrators, school office staff, school health assistants (SHAs), registered nurses, and other educational employees who may need to administer medication to students, HGEA is consistently mindful of the additional responsibilities placed on them. Educational workers are often asked to assist with medication administration to protect student health and safety, support consistent school attendance for those with chronic conditions, and ensure equitable access to education for all students.

Although participation is voluntary, many employees choose to assist because they recognize the critical role they play in enabling students with conditions such as asthma, diabetes, or epilepsy to manage their health during the school day. Their support helps reduce absences and allows students to remain fully engaged in learning. Trained school staff also play a vital role in emergency situations by administering life-saving medication such as epinephrine. They understandably have concerns about potential medical liability when performing these duties and several schools do not have a SHA or nurse on campus daily.

S.B. 2612 provides important protections by ensuring that immunity is clearly established in state law, rather than relying on internal departmental policies or exposing employees to uncertainty. This measure appropriately places responsibility at the statutory level and offers reassurance to staff who willingly step forward to support student health needs.

Thank you for the opportunity to submit testimony in support of S.B. 2612.

Respectfully submitted,


Randy Perreira
Executive Director



**Testimony to the Senate Joint Committee on Education and Health and Human
Services
Wednesday, February 11, 2026; 1:00 p.m.
State Capitol, Conference Room 225
Via Videoconference**

RE: SENATE BILL NO. 2612, RELATING TO MEDICATION ADMINISTRATION IN SCHOOLS.

Chair Kim, Chair San Buenaventura, and Members of the Joint Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 2612, RELATING TO MEDICATION ADMINISTRATION IN SCHOOLS.

By way of background, the HPCA represents Hawaii's Federally Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines to over 150,000 patients each year who live in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

This bill, as received by your Committee, would establish clear liability protections for school personnel who provide medications in accordance with proper protocols, consent, and medical authorization, thus strengthening the existing legal framework that supports the attendance, access, and ultimate educational success of students with disabilities receiving health-related services.

The bill would take effect on its approval.

At the outset, the HPCA would like to acknowledge and thank Education Committee Vice Chair Michelle Kidani for introducing this important bill. She has worked on this issue for many years with safety-net organizations and the public sector unions to find a way to further protect students in emergency situations.

Testimony on Senate Bill No. 2612
Wednesday, February 11, 2026; 1:00 p.m.
Page 2

In recent years, the HPCA has worked with the Epilepsy Foundation of Hawaii to draft legislation that would allow emergency anti-seizure medications to be dispensed to students who are in need. Other organizations such as the American Lung Association and the Diabetes Foundation of Hawaii had also submitted similar legislation for the emergency provision of bronchial dilators, and glucose testing, respectively. However, these measures failed to be approved because of objections raised by the Hawaii State Teachers Association and other public sector unions who raised liability concerns for their members who dispense emergency medications or treatments, among other issues.

A possible solution would be to extend immunity to education personnel who dispense emergency medications in a manner similar to the relief provided under the Good Samaritan Law. If a person acts in good faith during an emergency to help another, the law already protects that person from civil liability for their actions so long as such actions are not grossly negligent.

If this bill is enacted, it should make it easier for the public sector unions to support the dispensation of emergency medications at Hawaii's public schools.

In closing, try to imagine how traumatic it would be for a child to experience a seizure in a classroom. Imagine how traumatic it would be for the other students in the classroom who watch while this occurs. . . And also try to imagine how helpless the teacher will feel if he or she sees a student under his or her care in distress and not knowing what to do when this happens?

If you were that teacher, would you be able to sleep that night and would you be hesitant to go back to school the next day?

In light of this, the HPCA strongly urges your favorable consideration of this bill.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiiipca.net.



To: Committee on Health

Hearing Date/Time: Monday February 9, 2:00 PM

Re: Testimony in Strong Support of HB 1875

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

The Hawaii Health & Harm Reduction Center (HHRC) **supports SB 2612** which clarifies that the Department of Education and its employees and agents shall be immune from any civil or criminal liability arising from assisting students with the administration of medication under certain circumstances.

HHRC has been very involved in the provision of naloxone to prevent overdose deaths and have been told by more than one employee that because of the lack of clarity, people are not comfortable using naloxone to save a life. This bill would change that.

HHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

SB-2612

Submitted on: 2/7/2026 11:45:28 PM

Testimony for EDU on 2/11/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I KĀKO‘O ‘OLE this bill as it does not clarify if this includes administering vaccinations as a covered item of immunity. All medications or medical interventions should require the permission of the parents. In a matter of life and death when seconds could mean a difference, then the emergency services that are called should make the decision.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i

SB-2612

Submitted on: 2/10/2026 1:23:09 PM

Testimony for EDU on 2/11/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Benjamin Kilinski	Individual	Support	Written Testimony Only

Comments:

Dear Chair Kim and Chair San Buenaventura,

As a Hawaii licensed pediatric health care provider specializing in school health, I am writing in **support** of SB2612, RELATING TO MEDICATION ADMINISTRATION IN SCHOOLS.

SB2612 provides liability protections for school personnel who administer medications to students in good faith and in accordance with proper protocols, consent, and medical authorization, except in cases of gross negligence, willful misconduct, or intentional misconduct.

The subject medications must be necessary for school attendance, meaning students with chronic conditions would not otherwise be able to attend school.

The bill addresses the fact that unlicensed school personnel who administer medications, under RN supervision, cannot obtain professional liability insurance. These protections will enable staff to provide essential medical support to students with disabilities without undue personal risk.

The American Academy of Pediatrics (AAP) and the National Association of School Nurses (NASN) advocate for state law to provide blanket liability coverage for school districts, school staff, school physicians and community prescribers who follow standard safe medication practices.

For these reasons, I respectfully request that your respective committees move this measure forward.

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

Sincerely,

Benjamin Kilinski, MSN, APRN-Rx, CPNP-PC, NCSN