

A Bill for an Act Relating to Tort Liability of “Peer Review” Committee Members.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. A new section is added to chapter 663, Hawaii Revised Statutes, to be appropriately numbered and to read as follows:

**“Sec. 663- . Professional society; peer review committee; no liability; exceptions.** (a) As used in this section, ‘professional society’ or ‘society’ means any association or other organization of persons engaged in the same profession or occupation, the membership of which comprises a majority of the people engaged in the profession or occupation in the area which it serves and a primary purpose of which is to maintain the professional standards of the persons engaged in its profession or occupation; and ‘peer review committee’ or ‘committee’ means a committee created by a professional society, or by the medical staff of a licensed hospital, whose function is to maintain the professional standards established by the bylaws of the society or the hospital of the persons engaged in its profession or occupation, or in its hospital.

(b) There shall be no civil liability for any member of a peer review committee for any acts done in furtherance of the purpose for which the committee was established; provided that:

- (1) the member was authorized to perform in the manner in which he did; and
- (2) the member acted without malice after having made a reasonable effort to ascertain the truth of the facts upon which he acted.

(c) This section shall not be construed to confer immunity from liability upon any professional society or hospital, nor shall it affect the immunity of any shareholder or officer of a professional corporation.”

**SECTION 2.** This Act shall take effect upon its approval.

(Approved June 6, 1970.)