

ACT 102

H. B. NO. 666

A Bill for an Act Providing that Persons Engaged in the Transplantation or Transfusion of Human Tissues and Related Purposes shall not be Liable for Damages except for their own Negligence or Willful Misconduct.

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

SECTION 1. Chapter 327, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

**“Sec. 327- Exemption from Strict Liability.** No physician, surgeon, hospital, blood bank, tissue bank, or other person or entity who donates, obtains, prepares, transplants, injects, transfuses, or otherwise transfers, or who assists or participates in obtaining, preparing, transplanting, injecting, transfusing, or otherwise transferring any tissue, organ, blood or component thereof, from one or more persons, living or dead, to another person, shall be liable as a result of any such activity, save and except that each such person or entity shall remain liable for his or its own negligence or willful misconduct.”

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 24, 1971.)