

ACT 81

S.B. NO. 1539

A Bill for an Act Relating to Exception to Liability.

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

SECTION 1. Purpose. The legislature finds that the “Good Samaritan Law”, Section 663-1.5, Hawaii Revised Statutes, does not cover physicians who may render emergency medical care in a hospital to an emergency patient without any expectation of remuneration, until an attending physician arrives. The purpose of this bill is to include certain physicians under the “Good Samaritan Law”. Specifically, those physicians who in good faith render emergency medical care in a hospital to a person, who is in immediate danger of loss of life, without remuneration or expectation of remuneration, shall not be liable for any civil damages, if the physician exercises that standard of care expected of similar physicians under similar circumstances.

SECTION 2. Section 663-1.5, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 663-1.5 Exception to liability. (a) Any person who in good faith renders emergency care, without 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 his acts or omissions, except for such damages as may result from his gross negligence or wanton acts or omissions.

(b) No act or omission of any rescue team or physician working in direct communications with a rescue team operating in conjunction with a hospital or an authorized emergency vehicle of the hospital or the State or county, while attempting to resuscitate any person who is in immediate danger of loss of life, shall impose any liability upon the rescue team, the physicians, or the owners or operators of such hospital or authorized emergency vehicle, if good faith is exercised.

For the purposes of this section, “rescue team” means a special group of physicians, basic life support personnel, advanced life support personnel, surgeons, nurses, volunteers, or employees of the owners or operators of the hospital or author-

ized emergency vehicle who have been trained in basic or advanced life support and have been designated by the owners or operators of the hospital or authorized emergency vehicle to attempt to provide such support and resuscitate persons who are in immediate danger of loss of life in cases of emergency.

This section shall not relieve the owners or operators of the hospital or authorized emergency vehicle of any other duty imposed upon them by law for the designation and training of members of a rescue team or for any provisions regarding maintenance of equipment to be used by the rescue team or any damages resulting from gross negligence or wanton acts or omissions.

(c) Any physician licensed to practice under the laws of this State or any other state who in good faith renders emergency medical care in a hospital to a person, who is in immediate danger of loss of life, without remuneration or expectation of remuneration, shall not be liable for any civil damages, if the physician exercises that standard of care expected of similar physicians under similar circumstances.

For the purpose of this section, "good faith" is used to include, but is not limited to, a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed."

SECTION 3. Section 663-1.5(c) of section 2 of this Act does not affect penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 18, 1979.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.