

JAN 22 2007

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A BILL FOR AN ACT

RELATING TO TORTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 663-1.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) Any physician licensed to practice under the laws of  
4 this State or any other state who in good faith renders emergency  
5 medical care in a hospital to a person[7] who is in immediate  
6 danger of loss of life, without remuneration or expectation of  
7 remuneration, shall not be liable for any civil damages, [~~if the  
8 physician exercises that standard of care expected of similar  
9 physicians under similar circumstances.~~] except for such damages  
10 as may result from the physician's gross negligence or wanton  
11 acts or omissions."

12           SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun, before its effective date.

15           SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.



S.B. 1417

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO TORTS.

PURPOSE: To exempt physicians from liability when they are in good faith rendering emergency medical care.

MEANS: Amend section 663-1.5(c), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Due to the high risk of litigation and the reduced or lack of any remuneration for services, doctors have been reluctant to respond to calls to render assistance at hospital emergency rooms. It is essential that all people have full access to necessary emergency medical treatment provided by trained physicians. Providing reasonable limits on liability for doctors who agree to treat the indigent will help ensure that they receive appropriate care in their time of need.

This bill conforms section 663-1.5(c), HRS, with section 663-1.5(a), HRS, in identifying the standard of care which exempts emergency room physicians and "good Samaritans" from tort liability.

Impact on the public: The public interest is served because this bill will protect physicians as they render emergency medical care to the indigent.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

**S.B. 1417**

PPBS PROGRAM  
DESIGNATION:

OTHER AFFECTED  
AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.