

## PRL Committee

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**From:** Senior Varsity <svarsity@gmail.com>  
**Sent:** Monday, October 15, 2018 2:42 PM  
**To:** PRL Committee  
**Subject:** PRL-45  
**Attachments:** RT SB2087\_CD1\_.pdf; SB 2087 Signing 7.6.18.jpg; Double Drowning 2.2015.jpg; Double Drowning2 2.2015.jpg; Rescuer Dies Saving Family 3.28.18.jpg

Aloha Chair Guzman,

As the former Battalion Chief of Ocean Safety for the Department of Fire and Public Safety, I'd like to submit the following written testimony with attachments in support of PRL-45.

Liability concerns has always been a stumbling block when it came to public access rescue tubes (RT) along Hawaii's shoreline. This is why a core group of RT advocates teamed up with Senator Stanley Chang from Oahu who introduced SB 2087 that takes liability away from the good Samaritan who uses the RT and property owner that hosts a RT station on their property. After deliberating in different house and senate committees, SB 2087 was signed into law by Governor Ige on July 06, 2018. Attached is a copy of SB 2087 which amends Hawaii's good Samaritan law. A picture of the signing ceremony in Governor Ige's office is also included. Please note the yellow RT's proudly on display.

One of the great advantages of having RT's available for the public is it allows immediate response by friends or family of victims in distress. Many times these family or friends will not wait till 911 emergency help arrives. Can you stand idly while your loved one cries for help? Many times this results in what we call a "double drowning" where both rescuer and victim succumbs to exhaustion and drown before 911 help arrives. Since 2007 when the first RT was placed on Larsen's Beach on Kauai, there has **NOT** been a double drowning whenever a RT was used. This is due to the fact that RT's **primarily protect the rescuer!** Sometimes the victim manages to make it to shore but the rescuer needs help. Help is already there because the rescuer has the RT to hold onto. This is the reason why double drownings have not occurred while using the RT. Attached is a sad story about two Maui teenagers who died in March 2015 due to the double drowning phenomena. Also included is another heartbreaking story that would have surely been averted had a RT been available.

I would also like to take this opportunity to say RT's do not and cannot replace professionally trained lifeguards. Lifeguards are the communities front line of defense for drowning prevention and most importantly ocean awareness and education. Pu'u Keka'a fronting the Sheraton Maui in Kaanapali desperately needs a lifeguard tower followed closely by the Ukumehame area due to long 911 response times by fire, police, and EMS all located at the Lahaina Civic Center many miles away. Thank you for your consideration to collaborate with the state government who is responsible for **ALL** beaches and near shore waters that county lifeguards protect!

Many Mahalo's,  
Colin Yamamoto  
808-357-3023

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# A BILL FOR AN ACT

RELATING TO EMERGENCY RESCUE DEVICES.

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

1           SECTION 1. The legislature finds that in Hawaii nearly  
2 half of all non-resident fatal injuries are caused by drowning,  
3 and nearly eighty per cent of these drownings occur in the  
4 ocean. Although lifeguards work tirelessly to protect residents  
5 and visitors in Hawaii's oceans, many beaches throughout the  
6 State do not have lifeguards present. Warning signs deter many;  
7 however, one person each week on average drowns in the ocean in  
8 Hawaii. The use of rescue equipment makes a rescue safer for  
9 anyone attempting to assist a drowning victim. The primary  
10 piece of rescue equipment used by lifeguards is the rescue tube.

11           The legislature further finds that placement of rescue  
12 tubes on Kauai, and expanding throughout the State, has led to  
13 countless rescues of drowning victims. Rescue tubes are easy to  
14 use for ordinary citizens in rescuing victims and cost effective  
15 to provide on a widespread basis.

16           The purpose of this Act is to provide legal protections  
17 under the Good Samaritan Law for owners of premises on which  
18 rescue tubes are located and protections for rescuers who use



1 rescue tubes, to guard against liability actions and to  
2 encourage placement and use of these lifesaving emergency rescue  
3 devices.

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

6 "§663-1.5 Exception to liability. (a) Any person who in  
7 good faith renders emergency care, without remuneration or  
8 expectation of remuneration, at the scene of an accident or  
9 emergency to a victim of the accident or emergency shall not be  
10 liable for any civil damages resulting from the person's acts or  
11 omissions, except for such damages as may result from the  
12 person's gross negligence or wanton acts or omissions.

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

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

8 (c) Any physician or physician assistant licensed to  
9 practice under the laws of this State or any other state who in  
10 good faith renders emergency medical care in a hospital to a  
11 person, who is in immediate danger of loss of life, without  
12 remuneration or expectation of remuneration, shall not be liable  
13 for any civil damages, if the physician or physician assistant  
14 exercises that standard of care expected of similar physicians  
15 or physician assistants under similar circumstances. Any  
16 physician who supervises a physician assistant providing  
17 emergency medical care pursuant to this section shall not be  
18 required to meet the requirements set forth in chapter 453  
19 regarding supervising physicians.

20 (d) Any person or other entity who as a public service  
21 publishes written general first aid information dealing with

1 emergency first aid treatment, without remuneration or  
2 expectation of remuneration for providing this public service,  
3 shall not be liable for any civil damages resulting from the  
4 written publication of such first aid information except as may  
5 result from its gross negligence or wanton acts or omissions.

6 (e) Any person who in good faith, without remuneration or  
7 expectation of remuneration, attempts to resuscitate a person in  
8 immediate danger of loss of life when administering any  
9 automated external defibrillator, regardless of where the  
10 automated external defibrillator that is used is located, shall  
11 not be liable for any civil damages resulting from any act or  
12 omission except as may result from the person's gross negligence  
13 or wanton acts or omissions.

14 Any person, including an employer, who provides for an  
15 automated external defibrillator or an automated external  
16 defibrillator training program shall not be vicariously liable  
17 for any civil damages resulting from any act or omission of the  
18 persons or employees who, in good faith and without remuneration  
19 or the expectation of remuneration, attempt to resuscitate a  
20 person in immediate danger of loss of life by administering an  
21 automated external defibrillator, except as may result from a



1 person's or employer's gross negligence or wanton acts or  
2 omissions.

3 (f) Any physician or physician assistant who administers  
4 an automated external defibrillator program without remuneration  
5 or expectation of remuneration shall not be liable for any civil  
6 damages resulting from any act or omission involving the use of  
7 an automated external defibrillator, except as may result from  
8 the physician's or physician assistant's gross negligence or  
9 wanton acts or omissions.

10 (g) Any person who in good faith, without remuneration or  
11 expectation of remuneration, attempts to rescue a person in  
12 immediate danger of loss of life by use of a rescue tube,  
13 regardless of where the rescue tube that is used is located,  
14 shall not be liable for any civil damages resulting from any act  
15 or omission except as may result from the person's gross  
16 negligence or wanton acts or omissions.

17 The owner or operator of any premises, property, or  
18 facility that is adjacent to navigable waters, where a rescue  
19 tube is located shall not be liable for any civil damages  
20 resulting from any act or omission relating to the storage,  
21 maintenance, or use of the rescue tube.



1           ~~[(g)]~~ (h) This section shall not relieve any person,  
2 physician, physician assistant, or employer of:

3           (1) Any other duty imposed by law regarding the  
4 designation and training of persons or employees;

5           (2) Any other duty imposed by provisions regarding the  
6 maintenance of equipment to be used for resuscitation;

7 or

8           (3) Liability for any damages resulting from gross  
9 negligence, or wanton acts or omissions.

10           ~~[(h)]~~ (i) For the purposes of this section:

11           "Automated external defibrillator program" means an  
12 appropriate training course that includes cardiopulmonary  
13 resuscitation and proficiency in the use of an automated  
14 external defibrillator.

15           "Good faith" includes but is not limited to a reasonable  
16 opinion that the immediacy of the situation is such that the  
17 rendering of care should not be postponed.

18           "Rescue team" means a special group of physicians, basic  
19 life support personnel, advanced life support personnel,  
20 surgeons, nurses, volunteers, or employees of the owners or  
21 operators of the hospital or authorized emergency vehicle who



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

6 "Rescue tube" means a flotation device used for water  
7 rescues that helps support the victim's and rescuer's weight."

8 SECTION 3. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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





**Report Title:**

Emergency Rescue Device; Rescue Tube; Good Samaritan Law;  
Liability

**Description:**

Amends Hawaii's Good Samaritan Law to provide civil liability exemption for persons who in good faith, without remuneration or expectation of remuneration, attempt to rescue a person with a rescue tube and for owners and operators of any premises, property, or facility that is adjacent to navigable waters, where rescue tubes are located. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





# Montana man saves daughter, but not himself, from ocean

Visitor's death is 16th water-related fatality this year

The Maui News 3/28/18

A Montana man jumped into the ocean Tuesday afternoon and saved his daughter, who was swept in by a wave, but did not make it out himself at the beautiful but dangerous Olivine Pools near Kahakuloa, Maui fire officials said.

The 15-year-old girl was

standing near the water's edge when a large wave washed her into the ocean, Fire Services Chief Ed Taomoto said. The girl's 46-year-old father jumped in after her and was able to get her back to the rocky cliff.

Bystanders used towels as a makeshift rope and pulled the girl up the ledge to safety, he said. But when they looked back for the man, he was floating face down and unresponsive.

Emergency crews went to the remote northwest Maui area after receiving the 12:37 p.m. call, Taomoto said. While en route, responders were advised that a young woman had made it out of the water but a man remained in the ocean.

The Fire Department's Air One helicopter and lifeguards on rescue watercraft arrived at Olivine Pools at about 1 p.m. and recovered the man about 40 feet from the rocky shoreline, Taomoto said.

He was airlifted by Air One to a spot on Kahekili Highway where firefighters began CPR, he said. Paramedics arrived a short time later and continued advanced lifesaving measures, but the man could not be revived.

He was pronounced dead at the scene, Taomoto said. The girl suffered non-life-threatening injuries and was released to family members at the scene.

The death of the visitor from

Whitefish, Mont., was the 16th water-related fatality this year, he said.

Olivine Pools appears in many visitor guidebooks, but it has been a deadly spot. It is an unprotected flat lava shelf with enticing pools susceptible to rogue waves.

In June, two opihi pickers were pulled from the ocean near the pools. A 34-year-old Utah man was swept into the ocean there in January 2017 and his body was never recovered.

In November 2006, two visitors were swept into the ocean at Olivine Pools and drowned, and in April 2004, a 41-year-old California man and his 14-year-old daughter were swept into the sea there.

The girl survived, but her father drowned.

Firefighters from Napili, a Kahului rescue crew and a Lahaina rescue boat responded to the incident. Lifeguards from D.T. Fleming Beach Park also responded, Taomoto said.

## Man who died 3/29/18 saving child ID'd

A Montana man who died Tuesday after he jumped into the ocean and saved his daughter was identified as 46-year-old Brian Lazorishak of Whitefish.

Emergency crews were called to Olivine Pools near Kahakuloa at 12:37 p.m.

Fire officials said the man's 15-year-old daughter was standing near the water's edge when a large wave washed her into the ocean. The father jumped in and was able to get her back to the rocky cliff, where bystanders used towels as a makeshift rope to pull the girl up the ledge to safety, officials said.

Lazorishak was seen floating facedown and unresponsive in the water and was pronounced dead at the scene, officials said.

# Families mourn loss of 2 teens

2/18/15

Tabbay, 19, Parilla, 18, remembered as youths full of promise and life

By **CHRIS SUGIDONO**  
Staff Writer

Two promising Maui High School graduates were remembered by friends and family on Tuesday as kind, fun-loving and hardworking.

Emmanuel Tabbay, 19, and Edelene Parilla, 18, were students at University of Hawaii Maui College and forging their career paths when they died in an accident Monday near Honokohau Bay. The two friends were walking near the shoreline to see tide pools



Tabbay



Parilla

when Parilla was swept away and Tabbay tried to save her.

"It's really a courageous thing what he did — not thinking about himself and jumping in to rescue her," said Tabbay's aunt, Nely Tabbay, in a phone call Tuesday. "Unfortunately, he didn't make it. He was a good person, a good kid and excelled in high school."

Tabbay, who graduated magna cum laude from Maui High in 2013, was a member of the Hawaii Association of the Family, Career, and Community Leaders of Ameri-

See **TEENAGERS**  
on Page A4



Maui High School graduates Emmanuel Tabbay, 19, and Edelene Parilla, 18, died in an ocean-related accident Monday near Honokohau Bay. They were remembered by friends and family as kind, fun-loving and hard-working people.

Photo courtesy Facebook

## Woman swept away by wave, man jumps in after her

A man and woman who were found dead in the ocean Monday near Honokohau Bay had been walking near the shoreline to see tide pools when the woman was swept into the ocean by a large wave and the man jumped into the ocean to help her, police said.

They were identified as 18-year-old Edelene Parilla and 19-year-old Emmanuel Tabbay, both of Kahului.

The two were with two other friends, who were walking with them in an area known as "Chutes and Ladders" when the incident occurred at noon, police said.

One of the friends found a bystander to call for help, police said.

Firefighters responded to the 1:30 p.m. call, meeting with a witness who said both victims went underwater. Two ocean safety rescue skis, two Lahaina crews including a rescue boat and a Kahului rescue crew with the Air One helicopter went to the scene.

See **DROWNINGS**  
on Page A4

## Teenagers <sup>2/18/15</sup>

Continued from Page A1

ca and earned recognition at the organization's National Leadership Conference in 2012.

He was taking classes at UH-MC's Maui Culinary Academy and working as a line cook at Ruby Tuesday in Kihei. He had previously worked at Roy's in Lahaina and was quickly moving up at his new job, an assistant manager said.

"He was a great worker," Andrew Ellerman said, adding that Tabbay had only worked at Ruby Tuesday for about a month. "I didn't know him as well as I wish I could have, but he was very promising and I saw a lot of amazing qualities in him. We were looking to move him up and forward."

Parilla, an honor roll student and 2014 Maui High grad, also was attending UH-MC and had dreams of becoming a pilot, a family friend said.

Lawrence Pascua mentored Parilla and Tabbay in his Filipino folk dance group La Galeria for four years. He said the two teens were close and that Parilla was one of the few girls who could execute tinikling, the tricky traditional dance.

"She was a really good dancer," Pascua said. "She also was a prankster and really loved playing jokes. She was a happy person, very ambitious in whatever she did."

"Everybody loved her because she was very nonjudgmental, so kids opened up to her and they would go to her and talk to her because she was very approachable."

Friends offered their condolences to the two teenagers' families in Kahului on Monday night and throughout Tuesday.

## Drownings

Continued from Page A1

Rescue divers did an underwater search and found the man and woman submerged near the point where they had been last seen, said acting Fire Services Officer Edward Taomoto.

Police said the victims had no signs of life and were pronounced dead at the scene.

Autopsies are pending.

The National Weather Service had issued a high-surf advisory for north-facing shores of Maui through Monday evening.

Firefighters responded to two other cases of people pulled from the ocean Monday afternoon.

At 3:08 p.m., a 53-year-old Spokane, Wash., man was pulled from the ocean at South Maluaka Beach Park fronting the Makena Beach & Golf Resort after he was seen floating lifeless, Taomoto said. He said a visiting firefighter from the Mainland performed CPR until Wailea firefighters arrived. Police, then firefighters and medics were unable to revive the man, who had been snorkeling with his wife.

He was pronounced dead at the scene. He was identified as Larry Robins. An autopsy is pending.

About a half-hour later, at 3:32 p.m., bystanders pulled to shore a man who was seen floating facedown in the ocean fronting the Kaanapali Ocean Resort, Taomoto said. He said firefighters and paramedics performed lifesaving measures before the man was transported in critical condition to Maui Memorial Medical Center. The man, whose age wasn't available, is visiting from Colts Neck, N.J.

With Lahaina and Napili firefighters on scene near Honokohau Bay, firefighters from Kahului and Kihei were in the district to respond in Kaanapali.

Facebook posts and photos of the two have also overflowed online, with many friends changing their profile pictures to a photo of Tabbay and Parilla posing together.

"I give him credit. He was working and going to school at the same time and hardly has any time off," Nely Tabbay said. "For a kid, that's an accomplishment on his part because not too many kids can do that. He's a great loss, and the parents especially were devastated for this all."

"It's hard for them to absorb."

Tabbay's death was equally

difficult for his 14- and 15-year-old cousins Kimberly Nicole Calinog and Rhealynne Tabbay. The cousins are freshmen at Maui High School.

"He was kind, generous; he was loving, he was joyful, and he was the best guy," Rhealynne said.

"He's really friendly; the type of friend that would always be there and whenever you're sad he'd take you out and cheer you up," Nicole said.

Tabbay was born in the Philippines and moved to Maui in 2010 with his mother and sister. Rhealynne grew up with Tabbay in his native country

and later moved here.

"He would always be the one to take care of us," she said. "I remember how we used to play before . . . and we used to go to the same school. He would always make friends. He was a good person."

The two cousins recalled a trip in January, when Tabbay drove them and two others to the pool, followed by treating them to pizza and ice cream. They finished the day watching the sunset from Front Street.

Nicole said that when she found out about her cousin's death her "body just shut down."

"My mind went completely blank. I felt so lifeless," she said.

Parilla's family asked for privacy. Pascua said she is the only girl in her family among several boys. Her youngest brother is a sophomore at Maui High and the two would "play pranks on each other all the time," he said.

"She was a very fun-loving person," he said. "She loved going places and was adventurous. She liked discovering new places on Maui."

Pascua said Parilla was an "excellent artist" and loved drawing. He said she did her senior project on art and was taking art classes in college.

Pascua added that she deeply loved her family and cared for her brother's fiancée when she gave birth. Parilla stayed with the woman during her whole pregnancy and would regularly babysit.

"I know Edelene was on her way to become who she was going to be," Pascua said.

■ Chris Sugidono can be reached at [csugidono@mauinews.com](mailto:csugidono@mauinews.com).

## Maui residents off West Maui

the residents, were found under-

## COUNTY/IN BRIEF

An autopsy is pending.

### <sup>2/25/15</sup> Oregon man dies off Wailea

A 79-year-old Oregon man died Monday after he was found floating facedown in waters off