

By: Representatives Moore, Baker (74th),  
Holland, Dedeaux

To: Public Health and Human  
Services

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 445

1 AN ACT TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF "FIRST RESPONDER" IN THE EMERGENCY  
3 MEDICAL SERVICES LAW; TO REPEAL SECTION 41-59-79, MISSISSIPPI CODE  
4 OF 1972, WHICH REQUIRES FIRST RESPONDERS TO BE CERTIFIED BY THE  
5 STATE DEPARTMENT OF HEALTH; TO REPEAL SECTION 41-59-81,  
6 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE STATE BOARD OF  
7 HEALTH TO PROMULGATE RULES AND REGULATIONS REGARDING THE  
8 CERTIFICATION OF FIRST RESPONDERS; TO AMEND SECTION 41-59-83,  
9 MISSISSIPPI CODE OF 1972, TO AUTHORIZE FIRST RESPONDERS WHO ARE  
10 NATIONALLY REGISTERED TO CARRY AND ADMINISTER EPINEPHRINE; TO  
11 PROHIBIT THE STATE DEPARTMENT OF HEALTH FROM REGULATING THE  
12 ACTIVITIES OF FIRST RESPONDERS OR REQUIRING THEM TO BE STATE  
13 CERTIFIED; TO REPEAL SECTION 5, CHAPTER 623, LAWS OF 2002, AS  
14 AMENDED BY CHAPTER 3, 2002 FIRST EXTRAORDINARY SESSION, WHICH  
15 DELAYS UNTIL JULY 1, 2004, THE EFFECTIVE DATE OF THE FIRST  
16 RESPONDER PROVISIONS; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** Section 41-59-3, Mississippi Code of 1972, is  
19 amended as follows:

20 41-59-3. As used in this chapter, unless the context  
21 otherwise requires, the term:

22 (a) "Ambulance" shall mean any privately or publicly  
23 owned land or air vehicle that is especially designed,  
24 constructed, modified or equipped to be used, maintained and  
25 operated upon the streets, highways or airways of this state to  
26 assist persons who are sick, injured, wounded, or otherwise  
27 incapacitated or helpless;

28 (b) "Auto-injector" means a spring-loaded needle and  
29 syringe with a single dose of medicine that will automatically  
30 release and inject the medicine;

31 (c) "Permit" shall mean an authorization issued for an  
32 ambulance vehicle and/or a special use EMS vehicle as meeting the  
33 standards adopted pursuant to this chapter;

(d) "License" shall mean an authorization to any person, firm, corporation, or governmental division or agency to provide ambulance services in the State of Mississippi;

(e) "Emergency medical technician" shall mean an individual who possesses a valid emergency medical technician's certificate issued pursuant to the provisions of this chapter;

(f) "Certificate" shall mean official acknowledgment that an individual has successfully completed the recommended basic emergency medical technician training course referred to in this chapter which entitles that individual to perform the functions and duties of an emergency medical technician;

(g) "Board" shall mean the State Board of Health;

(h) "Department" means the Mississippi State Department of Health, Division of Emergency Medical Services;

(i) "Executive officer" shall mean the Executive Officer of the State Board of Health, or his designated representative;

(j) "First responder" means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons, who \* \* \* is trained to assist other EMS personnel by successfully completing, and remaining current in refresher training in accordance with, an approved "First Responder: National Standard Curriculum" training program, as developed and promulgated by the United States Department of Transportation \* \* \*;

(k) "Invalid vehicle" shall mean any privately or publicly owned land or air vehicle which is maintained, operated and used only to transport persons routinely who are convalescent or otherwise nonambulatory and do not require the service of an emergency medical technician while in transit;

(l) "Special use EMS vehicle" means any privately or publicly owned land, water or air emergency vehicle used to

67 support the provision of emergency medical services. These  
68 vehicles shall not be used routinely to transport patients;

69 (m) "Trauma care system" or "trauma system" means a  
70 formally organized arrangement of health care resources that has  
71 been designated by the department by which major trauma victims  
72 are triaged, transported to and treated at trauma care facilities;

73 (n) "Trauma care facility" or "trauma center" means a  
74 hospital located in the State of Mississippi or a Level I trauma  
75 care facility or center located in a state contiguous to the State  
76 of Mississippi that has been designated by the department to  
77 perform specified trauma care services within a trauma care system  
78 pursuant to standards adopted by the department. Participation in  
79 this designation by each hospital is voluntary;

80 (o) "Trauma registry" means a collection of data on  
81 patients who receive hospital care for certain types of injuries.  
82 Such data are primarily designed to ensure quality trauma care and  
83 outcomes in individual institutions and trauma systems, but have  
84 the secondary purpose of providing useful data for the  
85 surveillance of injury morbidity and mortality.

86 **SECTION 2.** Section 41-59-79, Mississippi Code of 1972, which  
87 requires first responders to be certified, is repealed.

88 **SECTION 3.** Section 41-59-81, Mississippi Code of 1972, which  
89 authorizes the State Board of Health to promulgate rules and  
90 regulations regarding the certification of first responders, is  
91 repealed.

92 **SECTION 4.** Section 41-59-83, Mississippi Code of 1972, is  
93 amended as follows:

94 41-59-83. When authorized by medical direction, a first  
95 responder who is nationally registered as a first responder by the  
96 National Registry of Emergency Medical Technicians, an emergency  
97 medical technician-basic, an emergency medical  
98 technician-intermediate or an emergency medical  
99 technician-paramedic may carry and administer, or aid in the

administration of, a dose of epinephrine from an auto-injector to treat persons experiencing allergic reactions and anaphylaxis.

**SECTION 5.** Nothing in this chapter shall be construed to authorize the State Department of Health to regulate the activities of first responders or to require the state certification of first responders.

**SECTION 6.** Section 5, Chapter 623, Laws of 2002, as amended by Chapter 3, 2002 First Extraordinary Session, which delays until July 1, 2004, the effective date of the first responder provisions, is repealed.

**SECTION 7.** Section 5 of this act shall be codified as a new section in Title 41, Chapter 59, Mississippi Code of 1972.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2004.